The Journal OF THE House of Representatives

Number 20 **Wednesday, April 26, 2006**

The House was called to order by the Speaker at 10:00 a.m.

Prayer

The following prayer was offered by Lt. Darren Stennett, Chaplain of the Naval Hospital in Pensacola, upon invitation of Rep. Murzin:

Almighty God and Creator, we come before You today to seek Your presence in this House and the work that's set before it today. We take this moment to pause and reflect on Your grace, Your wisdom, and Your mercy and to thank You for the blessing of democracy. Lord, as we pause to focus on You, we seek Your consent and guidance on all that is said and done in this deliberative body. Endow Your blessing of wisdom upon each member, so they will make decisions with an eye not toward political convenience, but toward what is right and just for Floridians. Where there are differences in opinion, may a spirit of compassion, humility, and reconciliation be the guide.

Recently, our city of Pensacola has grieved the loss of one of our finest citizens, Vice Admiral Jack Fetterman. Long before Admiral Fetterman was known as a community visionary or a grand civic leader, he was a good sailor—no, a great sailor—who forged the Navy's core values of honor, courage, and commitment. As these values live on as his legacy, may they be the foundation to each decision deliberated today.

Lord, we would be remiss to not be mindful of our Marines, Sailors, Soldiers, Airmen, who find themselves in harm's way in Iraq, Afghanistan, and around the world. In their times of fear and loneliness, may they sense the peace and security found only in the blessing of Your presence. May the pride we feel in their sacrifices be a bulwark for them against those who seek to destroy the freedom they so selflessly defend. Amen.

The following members were recorded present:

Session Vote Sequence: 877

Speaker Bense in the Chair.

Adams	Bense	Carroll	Fields
Allen	Benson	Clarke	Flores
Altman	Berfield	Coley	Galvano
Ambler	Bilirakis	Cretul	Gannon
Anderson	Bogdanoff	Culp	Garcia
Antone	Bowen	Cusack	Gardiner
Arza	Brandenburg	Davis, D.	Gelber
Attkisson	Brown	Davis, M.	Gibson, A.
Ausley	Brummer	Dean	Gibson, H.
Barreiro	Brutus	Detert	Glorioso
Baxley	Bucher	Domino	Goldstein
Bean	Bullard	Evers	Goodlette
Bendross-Mindingall	Cannon	Farkas	Gottlieb
Grant	Kravitz	Peterman	Sands
Greenstein	Kreegel	Pickens	Sansom
Grimsley	Kyle	Planas	Seiler
Harrell	Legg	Poppell	Simmons
Hasner	Littlefield	Porth	Slosberg
Hays	Llorente	Proctor	Smith
Henriquez	Lopez-Cantera	Quinones	Sobel
Holloway	Machek	Reagan	Sorensen
Homan	Mahon	Rice	Stansel
Hukill	Mayfield	Richardson	Stargel
Jennings	McInvale	Rivera	Taylor
Johnson	Meadows	Robaina	Traviesa
Jordan	Mealor	Roberson	Troutman
Joyner	Murzin	Ross	Vana
Justice	Needelman	Rubio	Waters
Kendrick	Negron	Russell	Williams
Kottkamp	Patterson	Ryan	Zapata

(A list of excused members appears at the end of the *Journal.*)

A quorum was present.

Pledge

The members, led by the following, pledged allegiance to the Flag: Patrick McCain of Miami at the invitation of Rep. Vana; Gloriana Joy McClure of Valrico at the invitation of Rep. Bilirakis; Samuel R. Mills of Live Oak at the invitation of Rep. Stansel; and Preston Moore of Dover at the invitation of Rep. Traviesa.

House Physician

The Speaker introduced Dr. Robert Brooks of Tallahassee, who served in the Clinic today upon invitation of Rep. Cannon.

Correction of the *Journal*

The *Journal* of April 25 was corrected and approved as corrected.

Reports of Councils and Standing Committees

Reports of the Rules & Calendar Council

The Honorable Allan G. Bense April 24, 2006
Speaker, House of Representatives

Dear Mr. Speaker:

Your Rules & Calendar Council herewith submits the Special Order for Wednesday, April 26, 2006. Consideration of the House bills on Special Orders shall include the Senate Companion measures on the House Calendar.

I. Consideration of the following bills:

HB 449 CS - Detert, Waters
Economic Development

HB 857 CS - Mahon
Insurance Premium Tax

HB 1321 CS - Davis, D., Sansom, & others
Entertainment Industry Economic Development

HB 821 CS - Goodlette, Carroll, & others
Community Contribution Tax Credit Program

HB 1079 CS - Altman, Farkas, & others
Exemption from the Tax on Sales, Use, and Other Transactions

HJR 353 CS - Lopez-Cantera, Allen, & others
Increased Homestead Exemption

HB 743 CS - Bowen, Flores, & others
Agricultural Usage Sales and Use Tax Exemptions

HB 421 - Reagan, Carroll
Tax on Sales, Use, and Other Transactions

HB 69 CS - Meadows, Benson, & others
Exemptions from the Tax on Sales, Use, and Other Transactions

HB 507 CS - Kreegel, Flores, & others
Exemptions from the Tax on Sales, Use, and Other Transactions

HB 989 CS - Detert
Motor Fuel Taxes

II. Consideration of the following bills:

HB 1243 CS - Mahon, Arza
Education Personnel

HB 765 - Jennings
Discounted Computers and Internet Access for Students

HJR 447 CS - Pickens, Hasner, & others
Requiring 65 Percent of School Funding for Classroom Instruction; Flexible Class Size Reduction Implementation

HB 7171 CS - Choice & Innovation Committee, Legg, & others
Charter Schools

HB 135 CS - Greenstein
Charter Schools

HB 7103 CS - Choice & Innovation Committee, Stargel, & others
Charter Schools

HB 1237 CS - Mealor, Hasner
Special Postsecondary Education Programs

HB 263 CS - Mealor, Zapata
Florida Prepaid College Program

HB 899 - Richardson, Pickens
Regional Consortium Service Organizations

HB 7097 CS - Community Colleges & Workforce Committee, Patterson
Postsecondary Education

HB 1171 - Rivera, Kravitz, & others
Travel to Terrorist States

III. Consideration of the following bills:

HB 805 CS - Benson, Gannon, & others
Plans, Policies, Contracts, and Programs for the Provision of Health Care Services

HB 7213 - Transportation & Economic Development Appropriations Committee, Davis, D.
Quick Action Closing Fund

HB 1503 CS - Galvano, Llorente, & others
Persons with Disabilities

HB 1363 CS - Davis, M., Allen, & others
Affordable Housing

HB 1347 CS - Williams, Davis, M., & others
Land Management

HB 1283 CS - Attkisson, Benson, & others
Innovation Incentives

HB 1285 CS - Attkisson
Public Records Exemptions

HB 1467 CS - Grant, Hasner, & others
Capital Formation

HB 1469 CS - Grant, Williams
Public Records

HB 7167 CS - Growth Management Committee, Johnson
Growth Management

HB 335 CS - Culp, Needelman
Juvenile Justice

A quorum was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,
J. Dudley Goodlette, Chair
Rules & Calendar Council

On motion by Rep. Goodlette, the above report was adopted.

Motions Relating to Council and Committee References

On motion by Rep. Negron, by the required two-thirds vote, HB 1509, HB 1629, and HB 1579 were withdrawn from the Finance & Tax Committee and placed on the Calendar of the House.

On motion by Rep. Goodlette, by the required two-thirds vote, HB 129 was withdrawn from the Agriculture Committee and remains referred to the Justice Council.

Bills and Joint Resolutions on Third Reading

HB 583—A bill to be entitled An act relating to correctional and law enforcement officer discipline; amending s. 112.533, F.S.; requiring certain investigative reports to include a statement relating to compliance with ss. 112.532 and 112.533, F.S., and to be verified; requiring certain statements to be made under oath and subject to prosecution for perjury; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 878

Speaker Bense in the Chair.

Yeas—109

Adams	Detert	Jordan	Quinones
Altman	Evers	Joyner	Reagan
Ambler	Farkas	Justice	Rice
Anderson	Fields	Kendrick	Richardson
Antone	Flores	Kottkamp	Rivera
Arza	Galvano	Kravitz	Robaina
Ausley	Gannon	Kreegel	Roberson
Barreiro	Garcia	Kyle	Rubio
Baxley	Gardiner	Legg	Russell
Bean	Gelber	Littlefield	Ryan
Bense	Gibson, A.	Llorente	Sands
Benson	Gibson, H.	Lopez-Cantera	Sansom
Berfield	Glorioso	Machek	Seiler
Bogdanoff	Goldstein	Mahon	Simmons
Bowen	Goodlette	Mayfield	Smith
Brandenburg	Gottlieb	McInvale	Sobel
Brown	Grant	Meadows	Sorensen
Brummer	Greenstein	Mealor	Stansel
Brutus	Grimsley	Murzin	Stargel
Bucher	Harrell	Needelman	Taylor
Cannon	Hasner	Negron	Traviesa
Carroll	Hays	Patterson	Troutman
Clarke	Henriquez	Peterman	Vana
Cretul	Holloway	Pickens	Waters
Culp	Homan	Planas	Zapata
Davis, D.	Hukill	Poppell	
Davis, M.	Jennings	Porth	
Dean	Johnson	Proctor	

Nays—2

Bendross-Mindingall Cusack

Votes after roll call:
Yeas—Allen, Attkisson, Bullard, Coley, Domino, Ross, Slosberg, Williams
Yeas to Nays—Bendross-Mindingall
Nays to Yeas—Bendross-Mindingall, Cusack

So the bill passed, as amended, and was immediately certified to the Senate.

On motion by Rep. Hays, consideration of **HB 127** was temporarily postponed.

HB 1449—A bill to be entitled An act relating to brain tumor research; creating s. 381.853, F.S.; providing legislative findings and intent; requiring the Evelyn F. and William L. McKnight Brain Institute of the University of Florida to develop and maintain a brain tumor registry; providing that individuals may choose not to be listed in the registry; establishing the Florida Center for Brain Tumor Research within the Evelyn F. and William L. McKnight Brain Institute of the University of Florida; providing purpose and goal of the center; providing for a competitive grant process for awarding certain funds; requiring the center to hold an annual brain tumor biomedical technology summit; providing for clinical trials and collaboration between certain entities; requiring the center to submit an annual report to the Governor, Legislature, and Secretary of Health; providing for funding; establishing a scientific advisory council and providing for membership, terms of office, meetings, and compensation; providing an appropriation; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 879

Speaker Bense in the Chair.

Yeas—114

Adams	Dean	Johnson	Quinones
Altman	Detert	Jordan	Reagan
Ambler	Domino	Joyner	Rice
Anderson	Evers	Justice	Richardson
Antone	Farkas	Kendrick	Rivera
Arza	Fields	Kottkamp	Robaina
Ausley	Flores	Kravitz	Roberson
Barreiro	Galvano	Kreegel	Rubio
Baxley	Gannon	Kyle	Russell
Bean	Garcia	Legg	Ryan
Bendross-Mindingall	Gardiner	Littlefield	Sands
Bense	Gelber	Llorente	Sansom
Benson	Gibson, A.	Lopez-Cantera	Seiler
Berfield	Gibson, H.	Machek	Simmons
Bogdanoff	Glorioso	Mahon	Slosberg
Bowen	Goldstein	Mayfield	Smith
Brandenburg	Goodlette	McInvale	Sobel
Brummer	Gottlieb	Meadows	Sorensen
Brutus	Grant	Mealor	Stansel
Bucher	Greenstein	Murzin	Stargel
Cannon	Grimsley	Needelman	Taylor
Carroll	Harrell	Negron	Traviesa
Clarke	Hasner	Patterson	Troutman
Coley	Hays	Peterman	Vana
Cretul	Henriquez	Pickens	Waters
Culp	Holloway	Planas	Williams
Cusack	Homan	Poppell	Zapata
Davis, D.	Hukill	Porth	
Davis, M.	Jennings	Proctor	

Nays—None

Votes after roll call:
Yeas—Allen, Attkisson, Brown, Bullard, Ross
Yeas to Nays—Ross
Nays to Yeas—Ross

So the bill passed, as amended, and was immediately certified to the Senate.

HB 1451—A bill to be entitled An act relating to public records; creating s. 381.8531, F.S.; providing an exemption from public records requirements for an individual's medical record or information received from an individual from another state or nation or the Federal Government that is otherwise confidential or exempt that is held by the Florida Center for Brain Tumor Research; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 880

Speaker Bense in the Chair.

Yeas—117

Adams	Bucher	Gardiner	Joyner
Altman	Bullard	Gelber	Justice
Ambler	Cannon	Gibson, A.	Kendrick
Anderson	Carroll	Gibson, H.	Kottkamp
Antone	Clarke	Glorioso	Kravitz
Arza	Coley	Goldstein	Kreegel
Ausley	Cretul	Goodlette	Kyle
Barreiro	Culp	Gottlieb	Legg
Baxley	Cusack	Grant	Littlefield
Bean	Davis, D.	Greenstein	Llorente
Bendross-Mindingall	Davis, M.	Grimsley	Lopez-Cantera
Bense	Dean	Harrell	Machek
Benson	Detert	Hasner	Mahon
Berfield	Domino	Hays	Mayfield
Bilirakis	Evers	Henriquez	McInvale
Bogdanoff	Farkas	Holloway	Meadows
Bowen	Fields	Homan	Mealor
Brandenburg	Flores	Hukill	Murzin
Brown	Galvano	Jennings	Needelman
Brummer	Gannon	Johnson	Negron
Brutus	Garcia	Jordan	Patterson

Peterman	Richardson	Seiler	Traviesa
Pickens	Rivera	Simmons	Troutman
Planas	Robaina	Slosberg	Vana
Poppell	Roberson	Smith	Waters
Porth	Rubio	Sobel	Williams
Proctor	Russell	Sorensen	Zapata
Quinones	Ryan	Stansel	
Reagan	Sands	Stargel	
Rice	Sansom	Taylor	

Nays—None

Votes after roll call:
Yeas—Allen, Attkisson, Ross
Yeas to Nays—Attkisson, Ross
Nays to Yeas—Attkisson, Ross

So the bill passed, as amended, by the required constitutional two-thirds vote of the members voting and was immediately certified to the Senate.

HB 293—A bill to be entitled An act relating to fiscally constrained counties; amending s. 212.20, F.S.; providing for a distribution of tax revenue to fiscally constrained counties; amending s. 218.65, F.S.; providing for a transitional emergency distribution from the Local Government Half-cent Sales Tax Clearing Trust Fund to certain fiscally constrained counties; revising criteria for receiving certain funds from the Local Government Half-cent Sales Tax Clearing Trust Fund; creating s. 218.67, F.S.; providing eligibility criteria to qualify as a fiscally constrained county; providing for the distribution of additional funds to certain fiscally constrained counties; providing for a phaseout period; providing for the use of funds; amending s. 288.1169, F.S.; correcting a cross-reference; amending s. 985.2155, F.S.; revising the definition of the term "fiscally constrained county" applicable to shared county and state responsibility for juvenile detention; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 881

Speaker Bense in the Chair.

Yeas—117

Adams	Davis, D.	Jennings	Quinones
Altman	Davis, M.	Johnson	Reagan
Ambler	Dean	Jordan	Rice
Anderson	Detert	Joyner	Richardson
Antone	Domino	Justice	Rivera
Arza	Evers	Kendrick	Robaina
Ausley	Farkas	Kottkamp	Roberson
Barreiro	Fields	Kravitz	Rubio
Baxley	Flores	Kreegel	Russell
Bean	Galvano	Kyle	Ryan
Bendross-Mindingall	Gannon	Legg	Sands
Bense	Garcia	Littlefield	Sansom
Benson	Gardiner	Llorente	Seiler
Berfield	Gelber	Lopez-Cantera	Simmons
Bilirakis	Gibson, A.	Machek	Slosberg
Bogdanoff	Gibson, H.	Mahon	Smith
Bowen	Glorioso	Mayfield	Sobel
Brandenburg	Goldstein	McInvale	Sorensen
Brown	Goodlette	Meadows	Stansel
Brummer	Gottlieb	Mealor	Stargel
Brutus	Grant	Murzin	Taylor
Bucher	Greenstein	Needelman	Traviesa
Bullard	Grimsley	Negron	Troutman
Cannon	Harrell	Patterson	Vana
Carroll	Hasner	Peterman	Waters
Clarke	Hays	Pickens	Williams
Coley	Henriquez	Planas	Zapata
Cretul	Holloway	Poppell	
Culp	Homan	Porth	
Cusack	Hukill	Proctor	

Nays—None

Votes after roll call:
Yeas—Allen, Ross

So the bill passed, as amended, and was immediately certified to the Senate.

HB 7183—A bill to be entitled An act relating to property tax exemptions; creating s. 196.1987, F.S.; exempting from ad valorem taxation certain property owned by an organization exempt from federal income taxes and used to display aspects of Biblical history; providing limitations; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 882

Speaker Bense in the Chair.

Yeas—93

Adams	Cretul	Homan	Planas
Altman	Culp	Hukill	Poppell
Ambler	Davis, D.	Johnson	Proctor
Anderson	Davis, M.	Jordan	Quinones
Antone	Dean	Kendrick	Reagan
Arza	Detert	Kottkamp	Rice
Attkisson	Domino	Kreegel	Rivera
Ausley	Evers	Kyle	Robaina
Barreiro	Farkas	Legg	Ross
Baxley	Fields	Littlefield	Rubio
Bean	Flores	Llorente	Russell
Bense	Galvano	Lopez-Cantera	Sansom
Benson	Gannon	Machek	Sorensen
Berfield	Garcia	Mahon	Stansel
Bilirakis	Gardiner	Mayfield	Stargel
Bogdanoff	Gibson, H.	McInvale	Taylor
Bowen	Glorioso	Meadows	Traviesa
Brown	Goldstein	Mealor	Troutman
Brummer	Goodlette	Murzin	Waters
Brutus	Grant	Needelman	Williams
Cannon	Grimsley	Negron	Zapata
Carroll	Harrell	Patterson	
Clarke	Hasner	Peterman	
Coley	Hays	Pickens	

Nays—25

Allen	Gibson, A.	Justice	Slosberg
Bendross-Mindingall	Gottlieb	Porth	Smith
Brandenburg	Greenstein	Richardson	Sobel
Bucher	Henriquez	Roberson	Vana
Bullard	Holloway	Ryan	
Cusack	Jennings	Sands	
Gelber	Joyner	Seiler	

Votes after roll call:
Yeas to Nays—Ausley, Machek
Nays to Yeas—Roberson

So the bill passed and was immediately certified to the Senate.

HB 599—A bill to be entitled An act relating to the Florida Faith-based and Community-based Advisory Council; creating s. 14.31, F.S.; providing legislative findings and intent; creating the Florida Faith-based and Community-based Advisory Council within the Executive Office of the Governor for certain purposes; providing for council membership; providing for terms of members; providing for successor appointments; providing for meetings and organization of the council; specifying serving without compensation; providing for per diem and travel expenses; specifying required activities of the council; specifying restricted activities; requiring a report to the Governor and Legislature; providing for future repeal and abolition of the council; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 883

Speaker Bense in the Chair.

Yeas—116

Adams	Cusack	Homan	Poppell
Allen	Davis, D.	Hukill	Porth
Altman	Davis, M.	Jennings	Proctor
Ambler	Dean	Johnson	Quinones
Anderson	Detert	Jordan	Reagan
Antone	Domino	Joyner	Rice
Arza	Evers	Justice	Richardson
Attkisson	Farkas	Kendrick	Rivera
Ausley	Fields	Kottkamp	Robaina
Barreiro	Flores	Kravitz	Roberson
Baxley	Galvano	Kreegel	Ross
Bean	Gannon	Kyle	Rubio
Bendross-Mindingall	Garcia	Legg	Russell
Bense	Gardiner	Littlefield	Ryan
Benson	Gelber	Llorente	Sands
Berfield	Gibson, A.	Lopez-Cantera	Sansom
Bilirakis	Gibson, H.	Machek	Seiler
Bogdanoff	Glorioso	Mahon	Simmons
Bowen	Goldstein	Mayfield	Slosberg
Brown	Goodlette	McInvale	Sorensen
Brummer	Gottlieb	Meadows	Stansel
Brutus	Grant	Mealor	Stargel
Bullard	Greenstein	Murzin	Taylor
Cannon	Grimsley	Needelman	Traviesa
Carroll	Harrell	Negron	Troutman
Clarke	Hasner	Patterson	Vana
Coley	Hays	Peterman	Waters
Cretul	Henriquez	Pickens	Williams
Culp	Holloway	Planas	Zapata

Nays—3

Brandenburg Bucher Sobel

Votes after roll call:
Yeas to Nays—Gottlieb

So the bill passed, as amended, and was immediately certified to the Senate.

HB 7145—A bill to be entitled An act relating to seaport security; creating s. 311.111, F.S.; requiring each seaport authority or governing board of a seaport that is subject to the statewide minimum seaport security standards to designate and identify security area designations, access requirements, and security enforcement authorizations on seaport premises and in seaport security plans; providing that any part of a port's property may be designated as a restricted access area under certain conditions; amending s. 311.12, F.S.; revising purpose of security plans maintained by seaports; requiring periodic plan revisions; requiring plans to be inspected for compliance by the Office of Drug Control and the Department of Law Enforcement based upon specified standards; providing requirements with respect to protection standards in specified restricted areas; requiring delivery of the plan to specified entities; requiring the Department of Law Enforcement to inspect every seaport within the state to determine if all security measures adopted by the seaport are in compliance with seaport security standards; requiring a report; authorizing seaports to request review by the Domestic Security Oversight Council of the findings in a Department of Law Enforcement inspection report; limiting the findings which the council is authorized to review; requiring the Department of Law Enforcement to establish a waiver process to grant certain individuals unescorted access to seaports or restricted access areas under certain circumstances; providing waiver process requirements; requiring the administrative staff of the Parole Commission to review the waiver application and transmit the findings to the department; requiring the department to make a final disposition of the application and notify the applicant and the seaport; providing that the waiver review process is exempt from the Administrative Procedure Act; providing procedures and requirements with respect to waiver of any physical facility requirement or other requirement contained in the statewide minimum standards for seaport security; providing a penalty for possession of a concealed weapon while on seaport property in a designated restricted area; creating the Seaport Standards Security Advisory Council under the Office of Drug Control within the Executive Office of the Governor; providing membership, terms, organization, and meetings of the council; requiring the Office of Drug Control to convene the Seaport Security Standards Advisory Council to review the statewide minimum standards for seaport security; requiring periodic review of the statewide minimum standards for seaport security to be conducted by the council; creating s. 311.121, F.S.; providing legislative intent with respect to the employment by seaports of certified law enforcement officers and certified private security officers; providing authority of seaports and requirements of the Department of Law Enforcement with respect to such intent; requiring the authority or governing board of each seaport that is subject to statewide minimum seaport security standards to impose specified requirements for certification as a seaport security officer; creating the Seaport Security Officer Qualification, Training, and Standards Coordinating Council under the Department of Law Enforcement; providing membership and organization of the council; providing terms of members; providing duties and authority of the council; requiring the Department of Education to develop curriculum recommendations and specifications of the council into initial and continuing education and training programs for seaport security officer certification; providing requirements and procedures with respect to such training programs; providing requirements and procedures with respect to certification as a seaport security officer; providing requirements for renewal of inactive or revoked certification; creating s. 311.122, F.S.; authorizing each seaport in the state to create a seaport law enforcement agency for its facility; providing requirements of an agency; requiring certification of an agency; providing requirements with respect to the composition of agency personnel; providing powers of seaport law enforcement agency officers and seaport security officers; creating s. 311.123, F.S.; providing for the creation of a maritime domain security awareness training program; providing purpose of the program; providing program training curriculum requirements; creating s. 311.124, F.S.; providing authority of seaport security officers to detain persons suspected of trespassing in a designated restricted area of a seaport; providing immunity from specified criminal or civil liability; creating s. 817.021, F.S.; providing a criminal penalty for willfully and knowingly providing false information in obtaining or attempting to obtain a seaport security identification card; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 884

Speaker Bense in the Chair.

Yeas—119

Adams	Bucher	Gibson, H.	Kreegel
Allen	Bullard	Glorioso	Kyle
Altman	Cannon	Goldstein	Legg
Ambler	Carroll	Goodlette	Littlefield
Anderson	Clarke	Gottlieb	Llorente
Antone	Coley	Grant	Lopez-Cantera
Arza	Cretul	Greenstein	Machek
Attkisson	Culp	Grimsley	Mahon
Ausley	Cusack	Harrell	Mayfield
Barreiro	Davis, D.	Hasner	McInvale
Baxley	Davis, M.	Hays	Meadows
Bean	Dean	Henriquez	Mealor
Bendross-Mindingall	Detert	Holloway	Murzin
Bense	Domino	Homan	Needelman
Benson	Evers	Hukill	Negron
Berfield	Farkas	Jennings	Patterson
Bilirakis	Fields	Johnson	Peterman
Bogdanoff	Flores	Jordan	Pickens
Bowen	Galvano	Joyner	Planas
Brandenburg	Gannon	Justice	Poppell
Brown	Garcia	Kendrick	Porth
Brummer	Gardiner	Kottkamp	Proctor
Brutus	Gibson, A.	Kravitz	Quinones

Reagan	Rubio	Slosberg	Traviesa
Rice	Russell	Smith	Troutman
Richardson	Ryan	Sobel	Vana
Rivera	Sands	Sorensen	Waters
Robaina	Sansom	Stansel	Williams
Roberson	Seiler	Stargel	Zapata
Ross	Simmons	Taylor	

Nays—None

Votes after roll call:
Yeas—Gelber

So the bill passed, as amended, and was immediately certified to the Senate.

HB 1143—A bill to be entitled An act relating to economic development incentives; amending s. 212.20, F.S.; providing for distribution of a portion of revenues from the tax on sales, use, and other transactions to specified units of local government owning eligible convention centers; providing limitations; requiring the Department of Revenue to prescribe certain forms; providing for future repeal; creating s. 288.1171, F.S.; providing for certification by the Office of Tourism, Trade, and Economic Development of units of local government owning eligible convention centers; requiring the office to adopt specified rules; providing a definition; providing requirements for certification; providing for use of proceeds distributed to units of local government under the act; providing for revocation of certification; providing for future repeal; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 885

Speaker Bense in the Chair.

Yeas—120

Adams	Culp	Homan	Porth
Allen	Cusack	Hukill	Proctor
Altman	Davis, D.	Jennings	Quinones
Ambler	Davis, M.	Johnson	Reagan
Anderson	Dean	Jordan	Rice
Antone	Detert	Joyner	Richardson
Arza	Domino	Justice	Rivera
Attkisson	Evers	Kendrick	Robaina
Ausley	Farkas	Kottkamp	Roberson
Barreiro	Fields	Kravitz	Ross
Baxley	Flores	Kreegel	Rubio
Bean	Galvano	Kyle	Russell
Bendross-Mindingall	Gannon	Legg	Ryan
Bense	Garcia	Littlefield	Sands
Benson	Gardiner	Llorente	Sansom
Berfield	Gelber	Lopez-Cantera	Seiler
Bilirakis	Gibson, A.	Machek	Simmons
Bogdanoff	Gibson, H.	Mahon	Slosberg
Bowen	Glorioso	Mayfield	Smith
Brandenburg	Goldstein	McInvale	Sobel
Brown	Goodlette	Meadows	Sorensen
Brummer	Gottlieb	Mealor	Stansel
Brutus	Grant	Murzin	Stargel
Bucher	Greenstein	Needelman	Taylor
Bullard	Grimsley	Negron	Traviesa
Cannon	Harrell	Patterson	Troutman
Carroll	Hasner	Peterman	Vana
Clarke	Hays	Pickens	Waters
Coley	Henriquez	Planas	Williams
Cretul	Holloway	Poppell	Zapata

Nays—None

Votes after roll call:
Yeas to Nays—Bucher

So the bill passed, as amended, and was immediately certified to the Senate.

HB 13—A bill to be entitled An act relating to the Department of Elderly Affairs; amending s. 430.04, F.S.; requiring the Department of Elderly Affairs to conduct an evaluation prior to rescinding designation of or taking certain measures against an area agency on aging; providing circumstances under which the department may terminate an area agency on aging contract; authorizing the department to contract with certain entities to provide programs and services under certain circumstances; requiring the department to initiate a competitive procurement process to replace an area agency on aging within a specified time period; providing for certain contracts and agreements to be assignable to the department and, subsequently, to an entity selected to replace the area agency on aging; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 886

Speaker Bense in the Chair.

Yeas—104

Allen	Davis, D.	Jennings	Proctor
Altman	Davis, M.	Johnson	Quinones
Ambler	Dean	Jordan	Reagan
Anderson	Detert	Kottkamp	Rice
Arza	Domino	Kravitz	Richardson
Attkisson	Evers	Kreegel	Rivera
Barreiro	Farkas	Kyle	Robaina
Baxley	Flores	Legg	Roberson
Bean	Galvano	Littlefield	Ross
Bendross-Mindingall	Garcia	Llorente	Rubio
Bense	Gardiner	Lopez-Cantera	Russell
Benson	Gibson, A.	Machek	Ryan
Bilirakis	Gibson, H.	Mahon	Sands
Bogdanoff	Glorioso	Mayfield	Sansom
Bowen	Goldstein	McInvale	Seiler
Brown	Goodlette	Meadows	Simmons
Brummer	Gottlieb	Mealor	Sobel
Brutus	Grant	Murzin	Sorensen
Bullard	Greenstein	Needelman	Stansel
Cannon	Grimsley	Negron	Stargel
Carroll	Harrell	Patterson	Taylor
Clarke	Hasner	Peterman	Traviesa
Coley	Hays	Pickens	Troutman
Cretul	Holloway	Planas	Waters
Culp	Homan	Poppell	Williams
Cusack	Hukill	Porth	Zapata

Nays—14

Adams	Brandenburg	Henriquez	Smith
Antone	Bucher	Joyner	Vana
Ausley	Fields	Justice	
Berfield	Gelber	Kendrick	

Votes after roll call:
Nays—Gannon

So the bill passed, as amended, and was immediately certified to the Senate.

HB 271—A bill to be entitled An act relating to arrests and arrestees; amending s. 907.04, F.S.; providing that arrestees in the custody of the Department of Corrections at the time of arrest be retained in the department's custody pending disposition of the charge or until the expiration of the arrestee's original sentence of imprisonment; requiring application of specified provisions if an arrested state prisoner's presence is required in court; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 887

Speaker Bense in the Chair.

Yeas—120

Adams	Culp	Homan	Porth
Allen	Cusack	Hukill	Proctor
Altman	Davis, D.	Jennings	Quinones
Ambler	Davis, M.	Johnson	Reagan
Anderson	Dean	Jordan	Rice
Antone	Detert	Joyner	Richardson
Arza	Domino	Justice	Rivera
Attkisson	Evers	Kendrick	Robaina
Ausley	Farkas	Kottkamp	Roberson
Barreiro	Fields	Kravitz	Ross
Baxley	Flores	Kreegel	Rubio
Bean	Galvano	Kyle	Russell
Bendross-Mindingall	Gannon	Legg	Ryan
Bense	Garcia	Littlefield	Sands
Benson	Gardiner	Llorente	Sansom
Berfield	Gelber	Lopez-Cantera	Seiler
Bilirakis	Gibson, A.	Machek	Simmons
Bogdanoff	Gibson, H.	Mahon	Slosberg
Bowen	Glorioso	Mayfield	Smith
Brandenburg	Goldstein	McInvale	Sobel
Brown	Goodlette	Meadows	Sorensen
Brummer	Gottlieb	Mealor	Stansel
Brutus	Grant	Murzin	Stargel
Bucher	Greenstein	Needelman	Taylor
Bullard	Grimsley	Negron	Traviesa
Cannon	Harrell	Patterson	Troutman
Carroll	Hasner	Peterman	Vana
Clarke	Hays	Pickens	Waters
Coley	Henriquez	Planas	Williams
Cretul	Holloway	Poppell	Zapata

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate.

HB 1583—A bill to be entitled An act relating to community redevelopment; amending s. 163.340, F.S.; revising certain definitions; defining the term "taxing authority"; amending ss. 163.356 and 163.357, F.S.; authorizing representatives of a taxing authority or members of a taxing authority's governing body to be members of the board of commissioners of a community redevelopment agency; amending s. 163.360, F.S.; specifying additional procedures required for adoption of community redevelopment plans by the governing body of certain counties for certain community redevelopment agencies; amending s. 163.361, F.S.; specifying additional procedures required for adoption of a modified community redevelopment plan by a governing body of certain counties for certain community redevelopment agencies; amending s. 163.370, F.S.; revising provisions relating to powers of counties, municipalities, and community redevelopment agencies; revising provisions relating to projects ineligible for increment revenues; amending s. 163.387, F.S.; revising provisions relating to redevelopment trust funds; providing limitations on the amount of tax increment contributions by a taxing authority for certain governing bodies; authorizing a community redevelopment agency to waive certain increment payment penalties; authorizing alternate provisions in certain interlocal agreements to supersede certain provisions of law; amending s. 163.410, F.S.; providing additional requirements for requests for information relating to requests for delegation of certain powers in counties with home rule charters; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 888

Speaker Bense in the Chair.

Yeas—120

Adams	Culp	Homan	Porth
Allen	Cusack	Hukill	Proctor
Altman	Davis, D.	Jennings	Quinones
Ambler	Davis, M.	Johnson	Reagan
Anderson	Dean	Jordan	Rice
Antone	Detert	Joyner	Richardson
Arza	Domino	Justice	Rivera
Attkisson	Evers	Kendrick	Robaina
Ausley	Farkas	Kottkamp	Roberson
Barreiro	Fields	Kravitz	Ross
Baxley	Flores	Kreegel	Rubio
Bean	Galvano	Kyle	Russell
Bendross-Mindingall	Gannon	Legg	Ryan
Bense	Garcia	Littlefield	Sands
Benson	Gardiner	Llorente	Sansom
Berfield	Gelber	Lopez-Cantera	Seiler
Bilirakis	Gibson, A.	Machek	Simmons
Bogdanoff	Gibson, H.	Mahon	Slosberg
Bowen	Glorioso	Mayfield	Smith
Brandenburg	Goldstein	McInvale	Sobel
Brown	Goodlette	Meadows	Sorensen
Brummer	Gottlieb	Mealor	Stansel
Brutus	Grant	Murzin	Stargel
Bucher	Greenstein	Needelman	Taylor
Bullard	Grimsley	Negron	Traviesa
Cannon	Harrell	Patterson	Troutman
Carroll	Hasner	Peterman	Vana
Clarke	Hays	Pickens	Waters
Coley	Henriquez	Planas	Williams
Cretul	Holloway	Poppell	Zapata

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate.

HB 595—A bill to be entitled An act relating to community behavioral health agencies; creating s. 394.9085, F.S.; providing that certain facilities or programs have liability limits in negligence actions under certain circumstances; limiting net economic damages allowed per claim; requiring that damages be offset by collateral source payment in accordance with s. 768.76, F.S.; requiring that costs to defend actions be assumed by the provider or its insurer; specifying occasions upon which the limitations on liability enjoyed by the provider extend to the employee; requiring that providers obtain and maintain specified liability coverage; specifying that persons providing contractual services to the state are not considered agents or employees under ch. 440, F.S.; providing for an annual increase in the conditional limitations on damages; providing definitions; providing construction; preserving sovereign immunity for governmental units and entities protected by sovereign immunity; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 889

Speaker Bense in the Chair.

Yeas—115

Adams	Barreiro	Bowen	Coley
Allen	Baxley	Brandenburg	Cretul
Altman	Bean	Brown	Culp
Ambler	Bendross-Mindingall	Brummer	Cusack
Anderson	Bense	Brutus	Davis, D.
Antone	Benson	Bullard	Davis, M.
Arza	Berfield	Cannon	Dean
Attkisson	Bilirakis	Carroll	Detert
Ausley	Bogdanoff	Clarke	Domino

Evers
Farkas
Fields
Flores
Galvano
Gannon
Garcia
Gardiner
Gelber
Gibson, A.
Gibson, H.
Glorioso
Goldstein
Gottlieb
Grant
Greenstein
Grimsley
Harrell
Hasner
Hays
Holloway
Homan
Hukill
Jennings
Johnson
Jordan
Joyner
Justice
Kendrick
Kottkamp
Kravitz
Kreegel
Kyle
Legg
Littlefield
Llorente
Lopez-Cantera
Machek
Mahon
Mayfield
McInvale
Meadows
Mealor
Murzin
Needelman
Negron
Patterson
Peterman
Pickens
Planas
Poppell
Porth
Proctor
Quinones
Reagan
Rice
Richardson
Rivera
Robaina
Roberson
Ross
Russell
Ryan
Sands
Sansom
Seiler
Simmons
Slosberg
Smith
Sobel
Sorensen
Stansel
Stargel
Taylor
Traviesa
Troutman
Waters
Williams
Zapata

Nays—2

Bucher Vana

Votes after roll call:
Yeas—Goodlette, Henriquez

So the bill passed, as amended, and was immediately certified to the Senate.

HB 749—A bill to be entitled An act relating to sewage treatment and disposal systems; amending s. 153.54, F.S.; requiring county commissions to include certain studies for the construction of a new proposed sewerage system or the extension of an existing sewerage system in certain reports; amending s. 153.73, F.S.; requiring county water and sewer districts to conduct certain studies for the construction of a new proposed sewerage system or the extension of an existing sewerage system prior to the levying of certain assessments; amending s. 163.3180, F.S.; authorizing local governments to use certain onsite sewage treatment and disposal systems to meet certain concurrency requirements; amending s. 180.03, F.S.; requiring municipalities to conduct certain studies for the construction of a new proposed sewerage system or the extension of an existing sewerage system prior to the adoption of certain resolutions or ordinances; amending s. 381.00655, F.S.; authorizing local governments and certain water and sewer districts to grant variances from connecting to a publicly owned or investor-owned sewerage system under certain circumstances; providing construction; amending s. 381.0067, F.S.; authorizing the department or its agents to require repair or replacement of drainfields under certain circumstances; requiring the department or its agents to issue an order for the replacement of an onsite sewage treatment and disposal system under certain circumstances; providing construction; amending s. 489.554, F.S.; increasing annual continuing education requirements for septic tank contractors and master septic tank contractors; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 890

Speaker Bense in the Chair.

Yeas—117

Adams
Allen
Ambler
Anderson
Antone
Arza
Attkisson
Ausley
Barreiro
Bean
Bendross-Mindingall
Bense
Benson
Berfield
Bilirakis
Bogdanoff
Bowen
Brandenburg
Brown
Brummer
Brutus
Bucher
Bullard
Cannon
Carroll
Clarke
Coley
Cretul
Culp
Cusack
Davis, D.
Davis, M.
Dean
Detert
Domino
Evers
Farkas
Fields
Flores
Galvano
Gannon
Garcia
Gelber
Gibson, A.
Gibson, H.
Glorioso
Goldstein
Goodlette
Gottlieb
Grant
Greenstein
Grimsley
Harrell
Hasner
Hays
Henriquez
Holloway
Homan
Hukill
Jennings
Johnson
Jordan
Joyner
Justice
Kendrick
Kottkamp
Kravitz
Kreegel
Kyle
Legg
Littlefield
Llorente
Lopez-Cantera
Machek
Mahon
Mayfield
McInvale
Meadows
Mealor
Murzin
Needelman
Negron
Patterson
Peterman
Pickens
Planas
Poppell
Porth
Proctor
Quinones
Reagan
Rice
Richardson
Rivera
Robaina
Roberson
Ross
Rubio
Russell
Ryan
Sands
Sansom
Seiler
Simmons
Slosberg
Smith
Sobel
Sorensen
Stansel
Stargel
Taylor
Traviesa
Troutman
Vana
Waters
Williams
Zapata

Nays—None

Votes after roll call:
Yeas—Altman

So the bill passed, as amended, and was immediately certified to the Senate.

HB 615—A bill to be entitled An act relating to professional sports franchises; amending s. 288.1162, F.S.; providing additional requirements with respect to certification as a facility for a new professional sports franchise or a facility for a retained professional sports franchise; providing for repeal of the requirements by a specified date; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 891

Speaker Bense in the Chair.

Yeas—119

Adams
Allen
Altman
Ambler
Anderson
Antone
Arza
Attkisson
Ausley
Barreiro
Baxley
Bean
Bendross-Mindingall
Bense
Benson
Berfield
Bilirakis
Bogdanoff
Bowen
Brandenburg
Brown
Brummer
Brutus
Bucher
Bullard
Cannon
Carroll
Clarke
Coley
Cretul
Culp
Cusack
Davis, D.
Davis, M.
Dean
Detert
Domino
Evers
Farkas
Fields
Flores
Galvano
Gannon
Garcia
Gardiner
Gelber
Gibson, A.
Gibson, H.
Glorioso
Goldstein
Goodlette
Gottlieb
Grant
Greenstein
Grimsley
Harrell
Hasner
Hays
Henriquez
Holloway
Homan
Hukill
Jennings
Johnson
Jordan
Joyner
Justice
Kendrick
Kravitz
Kreegel
Kyle
Legg
Littlefield
Llorente
Lopez-Cantera
Machek
Mahon
Mayfield
McInvale
Meadows
Mealor
Murzin
Needelman
Negron
Patterson
Peterman
Pickens
Planas
Poppell
Porth
Proctor
Quinones
Reagan
Rice
Richardson
Rivera
Robaina
Roberson
Ross
Rubio
Russell
Ryan
Sands
Sansom
Seiler
Simmons
Slosberg
Smith
Sobel
Sorensen
Stansel
Stargel
Taylor
Traviesa
Troutman
Vana
Waters
Williams
Zapata

Nays—None

Votes after roll call:
Yeas—Kottkamp

Yeas to Nays—Gottlieb, Ryan

So the bill passed and was immediately certified to the Senate.

HB 175—A bill to be entitled An act relating to drug court programs; providing a short title; amending s. 39.001, F.S.; providing additional legislative purposes and intent with respect to the treatment of substance abuse, including the use of the drug court program model; authorizing the court to require certain persons to undergo treatment following adjudication; amending s. 39.407, F.S.; authorizing the court to order specified persons to submit to a substance abuse assessment or evaluation upon a showing of good cause in connection with a shelter petition or petition for dependency; amending ss. 39.507 and 39.521, F.S.; authorizing the court to order specified persons to submit to a substance abuse assessment as part of an adjudicatory order or pursuant to a disposition hearing; requiring a showing of good cause; authorizing the court to require participation in a treatment-based drug court program; authorizing the court to impose sanctions for noncompliance; amending s. 397.334, F.S.; revising legislative intent with respect to treatment-based drug court programs to reflect participation by community support agencies, the Department of Education, and other individuals; including postadjudicatory programs as part of treatment-based drug court programs; providing requirements and sanctions, including treatment by specified licensed service providers, jail-based treatment, secure detention, or incarceration, for the coordinated strategy developed by the drug court team to encourage participant compliance; requiring each judicial circuit to establish a position for a coordinator of the treatment-based drug court program, subject to annual appropriation by the Legislature; authorizing the chief judge of each judicial circuit to appoint an advisory committee for the treatment-based drug court program; providing for membership of the committee; revising language with respect to an annual report; amending s. 910.035, F.S.; revising language with respect to conditions for the transfer of a case in the drug court treatment program to a county other than that in which the charge arose; amending ss. 948.08, 948.16, and 985.306, F.S., relating to felony, misdemeanor, and delinquency pretrial substance abuse education and treatment intervention programs; providing for application of the coordinated strategy developed by the drug court team; providing for expungement of certain records and pleas; removing provisions authorizing appointment of an advisory committee, to conform to changes made by the act; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 892

Speaker Bense in the Chair.

Yeas—118

Adams	Cannon	Gottlieb	Machek
Allen	Carroll	Grant	Mahon
Altman	Clarke	Greenstein	Mayfield
Ambler	Coley	Grimsley	McInvale
Anderson	Cretul	Harrell	Meadows
Antone	Culp	Hasner	Mealor
Arza	Cusack	Hays	Murzin
Attkisson	Davis, D.	Henriquez	Needelman
Ausley	Davis, M.	Holloway	Negron
Barreiro	Dean	Homan	Patterson
Baxley	Detert	Hukill	Peterman
Bean	Domino	Jennings	Pickens
Bendross-Mindingall	Evers	Johnson	Planas
Bense	Farkas	Jordan	Poppell
Benson	Fields	Joyner	Porth
Berfield	Flores	Justice	Proctor
Bilirakis	Galvano	Kendrick	Quinones
Bogdanoff	Gannon	Kottkamp	Reagan
Bowen	Garcia	Kravitz	Rice
Brandenburg	Gelber	Kreegel	Richardson
Brown	Gibson, A.	Kyle	Rivera
Brummer	Gibson, H.	Legg	Robaina
Brutus	Glorioso	Littlefield	Roberson
Bucher	Goldstein	Llorente	Ross
Bullard	Goodlette	Lopez-Cantera	Rubio
Ryan	Slosberg	Stargel	Waters
Sands	Smith	Taylor	Williams
Sansom	Sobel	Traviesa	Zapata
Seiler	Sorensen	Troutman	
Simmons	Stansel	Vana	

Nays—None

Votes after roll call:

Yeas—Russell

So the bill passed, as amended, and was immediately certified to the Senate.

HB 85—A bill to be entitled An act relating to assault or battery; amending s. 784.07, F.S.; providing for reclassification of an assault or battery on a licensed security officer or specified non-sworn law enforcement agency employee; providing applicability; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 893

Speaker Bense in the Chair.

Yeas—120

Adams	Culp	Homan	Porth
Allen	Cusack	Hukill	Proctor
Altman	Davis, D.	Jennings	Quinones
Ambler	Davis, M.	Johnson	Reagan
Anderson	Dean	Jordan	Rice
Antone	Detert	Joyner	Richardson
Arza	Domino	Justice	Rivera
Attkisson	Evers	Kendrick	Robaina
Ausley	Farkas	Kottkamp	Roberson
Barreiro	Fields	Kravitz	Ross
Baxley	Flores	Kreegel	Rubio
Bean	Galvano	Kyle	Russell
Bendross-Mindingall	Gannon	Legg	Ryan
Bense	Garcia	Littlefield	Sands
Benson	Gardiner	Llorente	Sansom
Berfield	Gelber	Lopez-Cantera	Seiler
Bilirakis	Gibson, A.	Machek	Simmons
Bogdanoff	Gibson, H.	Mahon	Slosberg
Bowen	Glorioso	Mayfield	Smith
Brandenburg	Goldstein	McInvale	Sobel
Brown	Goodlette	Meadows	Sorensen
Brummer	Gottlieb	Mealor	Stansel
Brutus	Grant	Murzin	Stargel
Bucher	Greenstein	Needelman	Taylor
Bullard	Grimsley	Negron	Traviesa
Cannon	Harrell	Patterson	Troutman
Carroll	Hasner	Peterman	Vana
Clarke	Hays	Pickens	Waters
Coley	Henriquez	Planas	Williams
Cretul	Holloway	Poppell	Zapata

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate.

HB 815—A bill to be entitled An act relating to strangulation; amending s. 784.041, F.S.; providing that knowingly or intentionally impeding the normal breathing or circulation of the blood of another person in specified ways constitutes felony battery; providing an exception; providing penalties; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 894

Speaker Bense in the Chair.

Yeas—120

Adams	Culp	Homan	Porth
Allen	Cusack	Hukill	Proctor
Altman	Davis, D.	Jennings	Quinones
Ambler	Davis, M.	Johnson	Reagan
Anderson	Dean	Jordan	Rice
Antone	Detert	Joyner	Richardson
Arza	Domino	Justice	Rivera
Attkisson	Evers	Kendrick	Robaina
Ausley	Farkas	Kottkamp	Roberson
Barreiro	Fields	Kravitz	Ross
Baxley	Flores	Kreegel	Rubio
Bean	Galvano	Kyle	Russell
Bendross-Mindingall	Gannon	Legg	Ryan
Bense	Garcia	Littlefield	Sands
Benson	Gardiner	Llorente	Sansom
Berfield	Gelber	Lopez-Cantera	Seiler
Bilirakis	Gibson, A.	Machek	Simmons
Bogdanoff	Gibson, H.	Mahon	Slosberg
Bowen	Glorioso	Mayfield	Smith
Brandenburg	Goldstein	McInvale	Sobel
Brown	Goodlette	Meadows	Sorensen
Brummer	Gottlieb	Mealor	Stansel
Brutus	Grant	Murzin	Stargel
Bucher	Greenstein	Needelman	Taylor
Bullard	Grimsley	Negron	Traviesa
Cannon	Harrell	Patterson	Troutman
Carroll	Hasner	Peterman	Vana
Clarke	Hays	Pickens	Waters
Coley	Henriquez	Planas	Williams
Cretul	Holloway	Poppell	Zapata

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate.

HB 935—A bill to be entitled An act relating to temporary buildings; amending s. 553.37, F.S.; considering certain buildings as temporary; extending the certificate of occupancy for a temporary building for a limited time; providing foundation requirements for such buildings; exempting such buildings from soil and foundation requirements of the Florida Building Code; providing exceptions; requiring the Florida Building Commission to define certain terms and provide certain standards and criteria within the Florida Building Code for temporary structures or buildings; requiring the commission to adopt such standards and criteria by a specified time; providing an effective date.

—was read the third time by title.

Representative Benson offered the following:

(Amendment Bar Code: 524091)

Amendment 2 (with directory and title amendments)—Between lines 35 and 36, insert:

(13) A manufactured building that otherwise complies with this part and is intended to be used for 2 years or less shall be permitted to use a foundation system designed and installed in accordance with the standards adopted pursuant to s. 320.8325(1). Use of the building shall be extended for an additional 2 years upon application to the authority having jurisdiction and an inspection of the foundation system to determine the system's integrity and ability to perform. An application for an extension may not be denied without a complete inspection and verified findings of fault with the foundation system. This subsection does not apply to a residential manufactured building or factory-built school.

==== D I R E C T O R Y A M E N D M E N T ====

Remove line 17 and insert:

Section 1. Subsections (12) and (13) are added to section 553.37,

======== T I T L E A M E N D M E N T ========

Remove line 8 and insert:

Building Code; providing exceptions; authorizing certain temporary buildings to be permitted to use certain foundation systems; providing for extending the time period of use of such buildings under certain circumstances; prohibiting denial of an extension application under certain circumstances; specifying nonapplication to certain structures; requiring the Florida

Rep. Benson moved the adoption of the amendment.

Representative(s) Benson offered the following:

(Amendment Bar Code: 601555)

Substitute Amendment 2 (with title amendments)—Remove line(s) 20-35 and insert:

(12) A manufactured building that otherwise complies with this part and is intended to be used for 2 years or less shall be permitted to use a foundation system designed and installed in accordance with the standards adopted pursuant to s. 320.8325(1). Use of the building shall be extended for an additional 2 years upon application to the authority having jurisdiction and an inspection of the foundation system to determine the system's integrity and ability to perform. An application for an extension may not be denied without a complete inspection and verified findings of fault with the foundation system. This subsection does not apply to a residential manufactured building or factory-built school.

======== T I T L E A M E N D M E N T ========

Remove line(s) 3-8 and insert:

553.37, F.S.; authorizing certain temporary buildings to be permitted to use certain foundation systems; providing for extending the time period of use of such buildings under certain circumstances; prohibiting denial of an extension application under certain circumstances; specifying nonapplication to certain structures; requiring the Florida

Rep. Benson moved the adoption of the substitute amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of HB 935. The vote was:

Session Vote Sequence: 895

Speaker Bense in the Chair.

Yeas—119

Adams	Brummer	Gannon	Johnson
Allen	Brutus	Garcia	Jordan
Altman	Bucher	Gardiner	Joyner
Ambler	Bullard	Gelber	Justice
Anderson	Cannon	Gibson, A.	Kendrick
Antone	Carroll	Gibson, H.	Kottkamp
Arza	Clarke	Glorioso	Kravitz
Attkisson	Coley	Goldstein	Kreegel
Ausley	Cretul	Goodlette	Kyle
Barreiro	Culp	Gottlieb	Legg
Baxley	Cusack	Grant	Littlefield
Bean	Davis, D.	Greenstein	Llorente
Bendross-Mindingall	Davis, M.	Grimsley	Lopez-Cantera
Bense	Dean	Harrell	Machek
Benson	Detert	Hasner	Mayfield
Berfield	Domino	Hays	McInvale
Bilirakis	Evers	Henriquez	Meadows
Bogdanoff	Farkas	Holloway	Mealor
Bowen	Fields	Homan	Murzin
Brandenburg	Flores	Hukill	Needelman
Brown	Galvano	Jennings	Negron

Patterson	Rice	Sands	Stargel
Peterman	Richardson	Sansom	Taylor
Pickens	Rivera	Seiler	Traviesa
Planas	Robaina	Simmons	Troutman
Poppell	Roberson	Slosberg	Vana
Porth	Ross	Smith	Waters
Proctor	Rubio	Sobel	Williams
Quinones	Russell	Sorensen	Zapata
Reagan	Ryan	Stansel	

Nays—None

Votes after roll call:
Yeas—Mahon

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 1009—A bill to be entitled An act relating to real estate profession regulation; amending s. 475.161, F.S.; providing for broker associate or sales associate licensure as a professional limited liability company; amending s. 475.181, F.S.; revising and adding conditions for licensure; amending s. 475.183, F.S.; providing continuing education requirements for certain license renewal; requiring the Florida Real Estate Commission to prescribe certain continuing education courses; amending s. 475.25, F.S.; increasing a maximum disciplinary administrative fine; providing additional grounds for discipline for brokers; providing filing limitations for administrative complaints against sales associates; requiring the Department of Business and Professional Regulation or the commission to provide notification to certain persons upon the department's or commission's filing of a formal complaint against a licensee; amending s. 475.278, F.S.; revising the required information on a transaction broker notice, a single agent notice, and a no brokerage relationship notice; amending s. 475.42, F.S.; removing a cross-reference to conform to changes made by the act; amending s. 475.451, F.S.; requiring schools teaching real estate practice to keep certain records and documents and make them available to the department; requiring certain personnel of schools teaching real estate practice to deliver course rosters to the department by a certain date; specifying the information required in a course roster; amending s. 475.453, F.S.; revising a provision relating to rental information given by a broker or sales associate to a prospective tenant; amending s. 475.701, F.S.; revising definitions; amending s. 475.707, F.S.; revising a provision relating to commission notice recording; amending s. 475.709, F.S.; clarifying provisions relating to claim of commission; amending s. 475.711, F.S.; clarifying provisions relating to actions involving disputed reserved proceeds; amending s. 475.713, F.S.; revising the award of costs and attorney's fees in civil actions concerning commission; amending s. 475.715, F.S.; revising the method by which an owner's net proceeds are computed; amending s. 475.719, F.S.; removing an exception from a buyer's broker provision shielding the rights and remedies available to an owner, a buyer, or a buyer's broker; amending s. 475.807, F.S.; revising a provision relating to the recordation of lien notices; providing that the recording of a broker's lien notice or any extension thereof and any lis pendens shall not constitute notice of the existence of any lease; amending s. 721.20, F.S.; removing a cross-reference to conform to changes made by the act; repealing s. 475.452, F.S., relating to advance fees, deposit, accounting, penalty, and damages; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 896

Speaker Bense in the Chair.

Yeas—120

Adams	Anderson	Ausley	Bendross-Mindingall
Allen	Antone	Barreiro	Bense
Altman	Arza	Baxley	Benson
Ambler	Attkisson	Bean	Berfield
Bilirakis	Gannon	Kottkamp	Rice
Bogdanoff	Garcia	Kravitz	Richardson
Bowen	Gardiner	Kreegel	Rivera
Brandenburg	Gelber	Kyle	Robaina
Brown	Gibson, A.	Legg	Roberson
Brummer	Gibson, H.	Littlefield	Ross
Brutus	Glorioso	Llorente	Rubio
Bucher	Goldstein	Lopez-Cantera	Russell
Bullard	Goodlette	Machek	Ryan
Cannon	Gottlieb	Mahon	Sands
Carroll	Grant	Mayfield	Sansom
Clarke	Greenstein	McInvale	Seiler
Coley	Grimsley	Meadows	Simmons
Cretul	Harrell	Mealor	Slosberg
Culp	Hasner	Murzin	Smith
Cusack	Hays	Needelman	Sobel
Davis, D.	Henriquez	Negron	Sorensen
Davis, M.	Holloway	Patterson	Stansel
Dean	Homan	Peterman	Stargel
Detert	Hukill	Pickens	Taylor
Domino	Jennings	Planas	Traviesa
Evers	Johnson	Poppell	Troutman
Farkas	Jordan	Porth	Vana
Fields	Joyner	Proctor	Waters
Flores	Justice	Quinones	Williams
Galvano	Kendrick	Reagan	Zapata

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate.

HB 1557—A bill to be entitled An act relating to the Wekiva Onsite Sewage Treatment and Disposal System Compliance Grant Program; creating the program in the Department of Health; providing purposes; authorizing certain property owners in certain areas of the Wekiva basin to apply for grants for certain purposes; providing grant limitations; providing for annual adjustments of the amount of the grants; providing for the grant as a rebate of costs incurred; requiring documentation of costs; requiring the Department of Health to adopt rules to administer the grant program; specifying implementation as contingent upon appropriation; requiring the Department of Environmental Protection to conduct a study of sources of nitrogen input into the Wekiva River and associated springs; requiring a report to the Legislature; requiring the Department of Health to contract for independent studies of sources of nitrogen input from onsite wastewater and sewage treatment and disposal systems into the Wekiva Study Area; requiring a report to the Legislature; providing report requirements; suspending certain department rulemaking until study completion; requiring the Department of Health to develop proposed rules for a model proposal applying to operation and maintenance of onsite sewage treatment and disposal systems in certain areas; specifying a rule criterion; providing appropriations; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 897

Speaker Bense in the Chair.

Yeas—119

Adams	Bendross-Mindingall	Bullard	Domino
Allen	Bense	Cannon	Evers
Altman	Benson	Carroll	Farkas
Ambler	Berfield	Clarke	Fields
Anderson	Bilirakis	Coley	Flores
Antone	Bogdanoff	Cretul	Galvano
Arza	Bowen	Culp	Gannon
Attkisson	Brandenburg	Cusack	Garcia
Ausley	Brown	Davis, D.	Gardiner
Barreiro	Brummer	Davis, M.	Gelber
Baxley	Brutus	Dean	Gibson, A.
Bean	Bucher	Detert	Gibson, H.

Glorioso	Justice	Negron	Ryan
Goldstein	Kendrick	Patterson	Sands
Goodlette	Kottkamp	Peterman	Sansom
Gottlieb	Kravitz	Pickens	Seiler
Grant	Kreegel	Planas	Simmons
Greenstein	Kyle	Poppell	Smith
Grimsley	Legg	Porth	Sobel
Harrell	Littlefield	Proctor	Sorensen
Hasner	Llorente	Quinones	Stansel
Hays	Lopez-Cantera	Reagan	Stargel
Henriquez	Machek	Rice	Taylor
Holloway	Mahon	Richardson	Traviesa
Homan	Mayfield	Rivera	Troutman
Hukill	McInvale	Robaina	Vana
Jennings	Meadows	Roberson	Waters
Johnson	Mealor	Ross	Williams
Jordan	Murzin	Rubio	Zapata
Joyner	Needelman	Russell	

Nays—None

Votes after roll call:
Yeas—Slosberg

So the bill passed, as amended, and was immediately certified to the Senate.

HB 535—A bill to be entitled An act relating to school safety; creating s. 1006.147, F.S.; providing a short title; prohibiting bullying and harassment during education programs and activities, on school buses, or through use of data or computer software accessed through computer systems of certain educational institutions; providing definitions; requiring each school district to adopt a policy prohibiting such bullying and harassment; providing minimum requirements for the contents of the policy; requiring the Department of Education to develop model policies; providing immunity; providing restrictions with respect to defense of an action and application of the section; requiring department approval of a school district's policy and school district compliance with reporting procedures as prerequisites to receipt of safe schools funds; requiring a report on implementation; providing an effective date.

—was read the third time by title.

Representative(s) Bogdanoff offered the following:

(Amendment Bar Code: 321301)

Amendment 2—Remove line(s) 81-152 and insert:

(4) By December 1, 2006, each school district shall adopt a policy prohibiting bullying and harassment on school property, at a school-related or school-sponsored program or activity, on a school bus, or through the use of data or computer software that is accessed through a computer, computer system, or computer network within the scope of the district school system. The school district bullying and harassment policy shall afford all students the same protection regardless of their status under the law. The school district may establish separate discrimination policies that include categories of students. The school district shall involve students, parents, teachers, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in the process of adopting the policy. The school district policy must be implemented in a manner that is ongoing throughout the school year and integrated with a school's curriculum, a school's discipline policies, and other violence prevention efforts. The school district policy must contain, at a minimum, the following components:

(a) A statement prohibiting bullying and harassment.

(b) A definition of bullying and a definition of harassment.

(c) A description of the type of behavior expected from each student and school employee.

(d) The consequences for a person who commits an act of bullying or harassment.

(e) The consequences for a person who is found to have wrongfully and intentionally accused another of an act of bullying or harassment.

(f) A procedure for reporting an act of bullying or harassment, including provisions that permit a person to anonymously report such an act. However, this paragraph does not permit formal disciplinary action to be based solely on an anonymous report.

(g) A procedure for the prompt investigation of a report of bullying or harassment and the persons responsible for the investigation. The investigation of a reported act of bullying or harassment is deemed to be a school-related activity and begins with a report of such an act.

(h) A process to investigate whether a reported act of bullying or harassment is within the scope of the district school system and, if not, a process for referral of such an act to the appropriate jurisdiction.

(i) A procedure for providing immediate notification to the parents of a victim of bullying or harassment of all local agencies where criminal charges may be pursued against the perpetrator.

(j) A procedure to refer victims and perpetrators of bullying or harassment for counseling.

(k) A procedure for including incidents of bullying or harassment in the school's report of safety and discipline data required under s. 1006.09(6). The report must include each incident of bullying or harassment and the resulting consequences, including discipline and referrals. The report must include in a separate section each reported incident of bullying or harassment that does not meet the criteria of a prohibited act under this section with recommendations regarding such incidents. The Department of Education shall aggregate information contained in the reports.

(l) A procedure for providing instruction to students, parents, teachers, school administrators, counseling staff, and school volunteers on identifying, preventing, and responding to bullying or harassment.

(m) A procedure for regularly reporting to a victim's parents the actions taken to protect the victim.

(n) A procedure for publicizing the policy, which must include its publication in the code of student conduct required under s. 1006.07(2) and in all employee handbooks.

(5) To assist school districts in developing policies for the prevention of bullying and harassment, the Department of Education shall develop model policies, which must be provided to school districts no later than October 1, 2006.

Rep. Bogdanoff moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of HB 535. The vote was:

Session Vote Sequence: 898

Speaker Bense in the Chair.

Yeas—116

Adams	Bullard	Glorioso	Littlefield
Allen	Cannon	Goldstein	Llorente
Altman	Carroll	Goodlette	Lopez-Cantera
Ambler	Clarke	Gottlieb	Machek
Anderson	Coley	Grant	Mahon
Antone	Cretul	Greenstein	Mayfield
Arza	Culp	Grimsley	McInvale
Attkisson	Cusack	Harrell	Meadows
Ausley	Davis, D.	Hasner	Mealor
Barreiro	Davis, M.	Hays	Murzin
Baxley	Dean	Henriquez	Needelman
Bean	Detert	Holloway	Negron
Bendross-Mindingall	Domino	Homan	Patterson
Bense	Evers	Hukill	Peterman
Benson	Farkas	Jennings	Pickens
Berfield	Fields	Johnson	Planas
Bilirakis	Flores	Jordan	Poppell
Bogdanoff	Galvano	Joyner	Porth
Bowen	Gannon	Justice	Proctor
Brandenburg	Garcia	Kendrick	Quinones
Brown	Gardiner	Kottkamp	Reagan
Brummer	Gelber	Kravitz	Rice
Brutus	Gibson, A.	Kreegel	Richardson
Bucher	Gibson, H.	Legg	Robaina

Roberson	Sands	Sobel	Troutman
Ross	Sansom	Sorensen	Vana
Rubio	Seiler	Stansel	Waters
Russell	Simmons	Taylor	Williams
Ryan	Smith	Traviesa	Zapata

Nays—None

Votes after roll call:
Yeas—Slosberg

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 7031—A bill to be entitled An act relating to the Department of State; amending s. 265.285, F.S.; clarifying terms of appointment to the Florida Arts Council; removing obsolete language; amending s. 265.606, F.S.; deleting a requirement for local sponsoring organizations to submit an annual postaudit to the Division of Cultural Affairs under certain circumstances; providing for deposit of the state's matching share of cultural endowment to the Florida Fine Arts Trust Fund rather than reversion to the General Revenue Fund; requiring that authority to disburse funds is subject to notice and review procedures; providing for reversion of funds to the General Revenue Fund under certain circumstances; amending s. 267.174, F.S.; changing the dates for the first meeting of the Discovery of Florida Quincentennial Commemoration Commission, the completion of the initial draft of a specified master plan, and the submission of the completed master plan; amending s. 272.129, F.S.; transferring responsibility for the Florida Historic Capitol from the Department of State to the Legislature; providing for allocation of certain space for preservation, museum, and cultural programs of the Legislature; requiring the maintenance of the Florida Historic Capitol pursuant to certain historic preservation standards and guidelines; removing responsibility of the Department of Management Services for security of the Historic Capitol and adjacent grounds; amending s. 272.135, F.S.; requiring the Capitol Curator to be appointed by the President of the Senate and the Speaker of the House of Representatives; deleting rulemaking authority of the Department of State to conform; amending s. 607.193, F.S.; correcting references to repealed sections of Florida Statutes within provisions relating to the annual supplemental corporate fee imposed on each business entity authorized to transact business in this state; amending s. 257.05, F.S.; requiring that each state official, agency, board, and court provide to the Division of Library and Information Services of the Department of State an annual list of public documents issued by the official, agency, board, or court; amending s. 283.31, F.S.; defining the term "publication" for purposes of a requirement that an executive agency maintain records of certain publication costs; amending s. 283.55, F.S.; revising the form used by each state agency for the purpose of purging publication mailing lists; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 899

Speaker Bense in the Chair.

Yeas—116

Adams	Benson	Cretul	Garcia
Allen	Berfield	Culp	Gardiner
Altman	Bilirakis	Cusack	Gelber
Ambler	Bogdanoff	Davis, D.	Gibson, A.
Anderson	Bowen	Davis, M.	Gibson, H.
Antone	Brown	Dean	Glorioso
Arza	Brummer	Detert	Goldstein
Attkisson	Brutus	Domino	Goodlette
Ausley	Bucher	Evers	Gottlieb
Barreiro	Bullard	Farkas	Grant
Baxley	Cannon	Fields	Greenstein
Bean	Carroll	Flores	Grimsley
Bendross-Mindingall	Clarke	Galvano	Harrell
Bense	Coley	Gannon	Hasner
Henriquez	Littlefield	Planas	Sands
Holloway	Llorente	Poppell	Sansom
Homan	Lopez-Cantera	Porth	Seiler
Hukill	Machek	Proctor	Smith
Jennings	Mahon	Quinones	Sobel
Johnson	Mayfield	Reagan	Sorensen
Jordan	McInvale	Rice	Stansel
Joyner	Meadows	Richardson	Stargel
Justice	Mealor	Rivera	Taylor
Kendrick	Murzin	Robaina	Traviesa
Kottkamp	Needelman	Roberson	Troutman
Kravitz	Negron	Ross	Vana
Kreegel	Patterson	Rubio	Waters
Kyle	Peterman	Russell	Williams
Legg	Pickens	Ryan	Zapata

Nays—None

Votes after roll call:
Yeas—Brandenburg, Hays, Simmons, Slosberg

So the bill passed, as amended, and was immediately certified to the Senate.

HB 755—A bill to be entitled An act relating to the Department of the Lottery; amending s. 24.109, F.S.; requiring an administrative law judge to conduct certain reviews in a competitive procurement protest and providing guidelines for such review; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 900

Speaker Bense in the Chair.

Yeas—117

Adams	Cusack	Jennings	Quinones
Allen	Davis, D.	Johnson	Reagan
Altman	Davis, M.	Jordan	Rice
Ambler	Dean	Joyner	Richardson
Anderson	Detert	Justice	Rivera
Antone	Domino	Kendrick	Robaina
Arza	Evers	Kottkamp	Roberson
Attkisson	Farkas	Kravitz	Ross
Ausley	Fields	Kreegel	Rubio
Barreiro	Flores	Kyle	Russell
Baxley	Galvano	Legg	Ryan
Bean	Gannon	Littlefield	Sands
Bendross-Mindingall	Gardiner	Llorente	Sansom
Bense	Gelber	Lopez-Cantera	Seiler
Berfield	Gibson, A.	Machek	Simmons
Bilirakis	Gibson, H.	Mahon	Smith
Bogdanoff	Glorioso	Mayfield	Sobel
Bowen	Goldstein	McInvale	Sorensen
Brandenburg	Goodlette	Meadows	Stansel
Brown	Gottlieb	Mealor	Stargel
Brummer	Grant	Murzin	Taylor
Brutus	Greenstein	Needelman	Traviesa
Bucher	Grimsley	Negron	Troutman
Bullard	Harrell	Patterson	Vana
Cannon	Hasner	Peterman	Waters
Carroll	Hays	Pickens	Williams
Clarke	Henriquez	Planas	Zapata
Coley	Holloway	Poppell	
Cretul	Homan	Porth	
Culp	Hukill	Proctor	

Nays—None

Votes after roll call:
Yeas—Slosberg

So the bill passed, as amended, and was immediately certified to the Senate.

HB 1367—A bill to be entitled An act relating to contracting exemptions; amending ss. 489.103 and 489.503, F.S.; revising exemptions for certain owners of property from certain contracting provisions; increasing maximum construction costs allowed for exemption; requiring owners of property to satisfy certain local permitting agency requirements; providing for penalties; providing an exemption for owners of property damaged by certain natural causes; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 901

Speaker Bense in the Chair.

Yeas—119

Adams	Culp	Homan	Porth
Allen	Cusack	Hukill	Proctor
Altman	Davis, D.	Jennings	Quinones
Ambler	Davis, M.	Johnson	Reagan
Anderson	Dean	Jordan	Rice
Antone	Detert	Joyner	Richardson
Arza	Domino	Justice	Rivera
Attkisson	Evers	Kendrick	Robaina
Ausley	Farkas	Kottkamp	Roberson
Barreiro	Fields	Kravitz	Ross
Baxley	Flores	Kreegel	Rubio
Bean	Galvano	Kyle	Russell
Bendross-Mindingall	Gannon	Legg	Ryan
Bense	Garcia	Littlefield	Sands
Benson	Gardiner	Llorente	Sansom
Berfield	Gelber	Lopez-Cantera	Seiler
Bilirakis	Gibson, A.	Machek	Simmons
Bogdanoff	Gibson, H.	Mahon	Smith
Bowen	Glorioso	Mayfield	Sobel
Brandenburg	Goldstein	McInvale	Sorensen
Brown	Goodlette	Meadows	Stansel
Brummer	Gottlieb	Mealor	Stargel
Brutus	Grant	Murzin	Taylor
Bucher	Greenstein	Needelman	Traviesa
Bullard	Grimsley	Negron	Troutman
Cannon	Harrell	Patterson	Vana
Carroll	Hasner	Peterman	Waters
Clarke	Hays	Pickens	Williams
Coley	Henriquez	Planas	Zapata
Cretul	Holloway	Poppell	

Nays—None

Votes after roll call:
Yeas—Slosberg

So the bill passed, as amended, and was immediately certified to the Senate.

HB 247—A bill to be entitled An act relating to the Beverage Law; creating s. 561.585, F.S.; authorizing certain direct shipments of wine; requiring licensure of winery shippers; providing requirements for licensure; providing prohibitions; requiring that a winery shipper licensee file a surety bond with the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation; requiring that each container of wine shipped directly be labeled with a notice; requiring monthly reports by winery shipper licensees; providing limitations on the amount of wine a winery shipper may ship or cause to be shipped; limiting the size of wine containers; limiting the amount of wine a purchaser can purchase or cause to be shipped; providing age requirements for those receiving direct shipments of wine; providing a defense to certain actions; requiring the collection, remittance, and payment of certain taxes by direct shippers; requiring certain proceeds from discretionary sales surtaxes to be deposited into an account in the Discretionary Sales Surtax Clearing Trust Fund; requiring that winery shippers maintain certain records for a certain time period; providing for jurisdiction; providing penalties; amending s. 561.14, F.S.; classifying the winery shipper license; amending s. 561.54, F.S.; removing a provision requiring that the licensee be aggrieved by a violation involving prohibited delivery from without the state to have standing to bring an action; exempting from such prohibition shipment of wine by a winery shipper licensee; amending s. 561.545, F.S.; exempting applicability of the prohibition against direct shipment of alcoholic beverages to the shipment of wine by a winery shipper licensee; amending s. 561.57, F.S.; providing that Internet orders shall be construed as telephone orders; exempting common carriers, licensees, or other persons utilizing common carriers as their agents from certain report filing requirements; requiring common carriers to verify the age of persons receiving shipments; providing a defense to certain actions; providing criteria for the defense; amending s. 599.004, F.S.; revising qualifications for the certification of Florida Farm Wineries; amending s. 561.24, F.S.; revising an effective date; authorizing certain manufacturers of wine holding a distributor's license to renew such license; removing exemption of Florida Farm Wineries from prohibition against manufacturer being licensed as distributor or registered as exporter; providing for severability; providing for nonimpairment of contracts; providing for rulemaking authority; authorizing additional positions; providing appropriations; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 902

Speaker Bense in the Chair.

Yeas—116

Adams	Cretul	Henriquez	Porth
Allen	Culp	Holloway	Proctor
Altman	Cusack	Homan	Quinones
Ambler	Davis, D.	Hukill	Reagan
Anderson	Davis, M.	Jennings	Rice
Antone	Dean	Johnson	Richardson
Arza	Detert	Jordan	Rivera
Attkisson	Domino	Joyner	Robaina
Ausley	Evers	Justice	Roberson
Barreiro	Farkas	Kendrick	Ross
Baxley	Fields	Kottkamp	Rubio
Bean	Flores	Kravitz	Russell
Bendross-Mindingall	Galvano	Kreegel	Ryan
Bense	Gannon	Legg	Sands
Benson	Garcia	Littlefield	Sansom
Berfield	Gardiner	Llorente	Seiler
Bilirakis	Gelber	Lopez-Cantera	Simmons
Bogdanoff	Gibson, A.	Machek	Smith
Bowen	Gibson, H.	Mayfield	Sobel
Brandenburg	Glorioso	McInvale	Sorensen
Brown	Goldstein	Meadows	Stansel
Brummer	Goodlette	Mealor	Stargel
Brutus	Gottlieb	Murzin	Taylor
Bucher	Grant	Needelman	Traviesa
Bullard	Greenstein	Negron	Troutman
Cannon	Grimsley	Patterson	Vana
Carroll	Harrell	Peterman	Waters
Clarke	Hasner	Pickens	Williams
Coley	Hays	Poppell	Zapata

Nays—None

Votes after roll call:
Yeas—Mahon, Planas, Slosberg

Explanation of Vote for Sequence Number 902

I vote yes on this bill because the protections against under age drinking are an important state interest. However, it is still my contention that the 250,000 gallon cap will be found unconstitutional. I believe this is a protectionist measure that will harm competition. The Federal Trade Commission agreed and in a letter to Senator Paula Dockery stated that they believed that the cap would significantly harm consumers. It seems ironic that on the 30th anniversary of the tasting of Paris,

where American wines from California beat the French wines, we have now made it illegal to ship the wine (Chateau Montelena) that beat the French.

Rep. Juan-Carlos Planas—District 115

So the bill passed, as amended, and was immediately certified to the Senate.

On motion by Rep. Garcia, consideration of **HB 7073** was temporarily postponed.

HB 7237—A bill to be entitled An act relating to the Public Service Commission; amending s. 350.01, F.S.; correcting cross-references; revising provisions for terms of commissioners on the Public Service Commission; revising a reference to the office of hearing examiners; amending s. 350.011, F.S.; deleting obsolete provisions relating to a transfer of certain functions and duties to the Public Service Commission; amending s. 350.012, F.S.; removing a provision for governance of the Committee on Public Service Commission Oversight; repealing s. 350.051, F.S., relating to qualifications of the Chief Auditor of the commission; amending s. 350.06, F.S.; deleting certain provisions relating to the employment of reporters and furnishing of transcripts by the commission; revising provisions for the collection and accounting of fees for furnishing transcripts and other documents or instruments; amending s. 350.113, F.S.; removing limits on the amount of certain regulatory fees; amending s. 350.117, F.S.; removing an exception for railroads from certain audits by the commission; repealing s. 350.80, F.S., relating to regulation of certain coal slurry pipeline companies; amending s. 361.08, F.S.; removing a provision for consideration by the court of certain findings by the commission relating to coal slurry pipeline companies, to conform to changes made by the act; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 903

Speaker Bense in the Chair.

Yeas—118

Adams	Culp	Homan	Proctor
Allen	Cusack	Hukill	Quinones
Altman	Davis, D.	Jennings	Reagan
Ambler	Davis, M.	Johnson	Rice
Anderson	Dean	Jordan	Richardson
Antone	Detert	Joyner	Rivera
Arza	Domino	Justice	Robaina
Attkisson	Evers	Kendrick	Roberson
Ausley	Farkas	Kottkamp	Ross
Barreiro	Fields	Kravitz	Rubio
Baxley	Flores	Kreegel	Russell
Bean	Galvano	Legg	Ryan
Bendross-Mindingall	Gannon	Littlefield	Sands
Bense	Garcia	Llorente	Sansom
Benson	Gardiner	Lopez-Cantera	Seiler
Berfield	Gelber	Machek	Simmons
Bilirakis	Gibson, A.	Mahon	Smith
Bogdanoff	Gibson, H.	Mayfield	Sobel
Bowen	Glorioso	McInvale	Sorensen
Brandenburg	Goldstein	Meadows	Stansel
Brown	Goodlette	Mealor	Stargel
Brummer	Gottlieb	Murzin	Taylor
Brutus	Grant	Needelman	Traviesa
Bucher	Greenstein	Negron	Troutman
Bullard	Grimsley	Patterson	Vana
Cannon	Harrell	Peterman	Waters
Carroll	Hasner	Pickens	Williams
Clarke	Hays	Planas	Zapata
Coley	Henriquez	Poppell	
Cretul	Holloway	Porth	

Nays—None

Votes after roll call:
Yeas—Slosberg

So the bill passed, as amended, and was immediately certified to the Senate.

HB 1593—A bill to be entitled An act relating to cybercrime; creating s. 16.61, F.S.; creating the Cybercrime Office within the Department of Legal Affairs; authorizing the office to investigate certain violations of state law pertaining to the sexual exploitation of children; providing that investigators employed by the office are law enforcement officers of the state; authorizing the Attorney General to carry out certain duties and responsibilities; requiring the Attorney General to provide notice of an arrest to the local sheriff; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 904

Speaker Bense in the Chair.

Yeas—118

Adams	Culp	Homan	Proctor
Allen	Cusack	Hukill	Quinones
Altman	Davis, D.	Jennings	Reagan
Ambler	Davis, M.	Johnson	Rice
Anderson	Dean	Jordan	Richardson
Antone	Detert	Joyner	Rivera
Arza	Domino	Justice	Robaina
Attkisson	Evers	Kendrick	Roberson
Ausley	Farkas	Kottkamp	Ross
Barreiro	Fields	Kravitz	Rubio
Baxley	Flores	Kreegel	Russell
Bean	Galvano	Kyle	Ryan
Bendross-Mindingall	Gannon	Legg	Sands
Bense	Garcia	Littlefield	Sansom
Benson	Gardiner	Llorente	Seiler
Berfield	Gelber	Machek	Simmons
Bilirakis	Gibson, A.	Mahon	Smith
Bogdanoff	Gibson, H.	Mayfield	Sobel
Bowen	Glorioso	McInvale	Sorensen
Brandenburg	Goldstein	Meadows	Stansel
Brown	Goodlette	Mealor	Stargel
Brummer	Gottlieb	Murzin	Taylor
Brutus	Grant	Needelman	Traviesa
Bucher	Greenstein	Negron	Troutman
Bullard	Grimsley	Patterson	Vana
Cannon	Harrell	Peterman	Waters
Carroll	Hasner	Pickens	Williams
Clarke	Hays	Planas	Zapata
Coley	Henriquez	Poppell	
Cretul	Holloway	Porth	

Nays—None

Votes after roll call:
Yeas—Lopez-Cantera, Slosberg

So the bill passed, as amended, and was immediately certified to the Senate.

HB 7065—A bill to be entitled An act relating to clandestine laboratory contamination; amending s. 893.02, F.S.; providing definitions; creating s. 893.121, F.S.; providing for quarantine of any residential property where illegal clandestine laboratory activities occurred; providing for establishment of a uniform notice and a uniform letter of notification; providing for posting of specified notice at the site of a quarantine; providing requirements for the sending of a specified letter of notification to a residential property owner or manager; providing for petitions by certain persons in circuit court to lift such quarantines under certain conditions; prohibiting specified violations relating to such quarantines; creating s. 893.122, F.S.; permitting demolition of quarantined residential property under certain conditions; providing immunity from health-based civil actions for residential property owners who have met specified clandestine laboratory decontamination standards as evidenced by specified documentation; providing an exception to such

immunity for persons convicted of manufacturing controlled substances at the site; creating s. 893.123, F.S.; providing for rulemaking to adopt clandestine laboratory decontamination standards; providing for certificates of fitness to indicate that decontamination has been completed; providing requirements for the lifting of a quarantine upon demolition of the property; creating s. 893.124, F.S.; requiring the Department of Health to specify requirements for persons authorized to perform decontamination and contamination assessments; requiring the department to compile and maintain lists of decontamination and contamination assessment specialists; providing responsibilities for decontamination specialists; permitting decontamination and contamination assessment specialists to request specified documents; providing for the issuance of certificates of fitness by contamination assessment specialists; amending ss. 465.016, 465.023, 856.015, 893.135, 944.47, 951.22, and 985.4046, F.S.; conforming cross-references; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 905

Speaker Bense in the Chair.

Yeas—118

Adams	Culp	Homan	Porth
Allen	Cusack	Hukill	Proctor
Altman	Davis, D.	Jennings	Quinones
Ambler	Davis, M.	Johnson	Reagan
Anderson	Dean	Jordan	Rice
Antone	Detert	Joyner	Richardson
Arza	Domino	Justice	Rivera
Attkisson	Evers	Kendrick	Robaina
Ausley	Farkas	Kottkamp	Roberson
Barreiro	Fields	Kravitz	Ross
Baxley	Flores	Kreegel	Rubio
Bean	Galvano	Kyle	Russell
Bendross-Mindingall	Gannon	Legg	Sands
Bense	Garcia	Littlefield	Sansom
Benson	Gardiner	Llorente	Seiler
Berfield	Gelber	Lopez-Cantera	Simmons
Bilirakis	Gibson, A.	Machek	Smith
Bogdanoff	Gibson, H.	Mahon	Sobel
Bowen	Glorioso	Mayfield	Sorensen
Brandenburg	Goldstein	McInvale	Stansel
Brown	Goodlette	Meadows	Stargel
Brummer	Gottlieb	Mealor	Taylor
Brutus	Grant	Murzin	Traviesa
Bucher	Greenstein	Needelman	Troutman
Bullard	Grimsley	Negron	Vana
Cannon	Harrell	Patterson	Waters
Carroll	Hasner	Peterman	Williams
Clarke	Hays	Pickens	Zapata
Coley	Henriquez	Planas	
Cretul	Holloway	Poppell	

Nays—None

Votes after roll call:
Yeas—Ryan, Slosberg

So the bill passed, as amended, and was immediately certified to the Senate.

HB 7021—A bill to be entitled An act relating to stolen property; amending s. 812.022, F.S.; providing that specified circumstances give rise to an inference that the person in possession of a stolen motor vehicle knew or should have known that the motor vehicle had been stolen; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 906

Speaker Bense in the Chair.

Yeas—118

Adams	Culp	Hukill	Proctor
Allen	Cusack	Jennings	Quinones
Altman	Davis, D.	Johnson	Reagan
Ambler	Davis, M.	Jordan	Rice
Anderson	Dean	Joyner	Richardson
Antone	Detert	Justice	Rivera
Arza	Domino	Kendrick	Robaina
Attkisson	Evers	Kottkamp	Roberson
Ausley	Farkas	Kravitz	Ross
Barreiro	Fields	Kreegel	Rubio
Baxley	Flores	Kyle	Russell
Bean	Galvano	Legg	Ryan
Bendross-Mindingall	Gannon	Littlefield	Sands
Bense	Garcia	Llorente	Sansom
Benson	Gardiner	Lopez-Cantera	Seiler
Berfield	Gelber	Machek	Simmons
Bilirakis	Gibson, A.	Mahon	Smith
Bogdanoff	Gibson, H.	Mayfield	Sobel
Bowen	Glorioso	McInvale	Sorensen
Brandenburg	Goldstein	Meadows	Stansel
Brown	Gottlieb	Mealor	Stargel
Brummer	Grant	Murzin	Taylor
Brutus	Greenstein	Needelman	Traviesa
Bucher	Grimsley	Negron	Troutman
Bullard	Harrell	Patterson	Vana
Cannon	Hasner	Peterman	Waters
Carroll	Hays	Pickens	Williams
Clarke	Henriquez	Planas	Zapata
Coley	Holloway	Poppell	
Cretul	Homan	Porth	

Nays—None

Votes after roll call:
Yeas—Goodlette, Slosberg

So the bill passed, as amended, and was immediately certified to the Senate.

HB 7137—A bill to be entitled An act relating to drug testing within the Department of Corrections; amending s. 944.474, F.S.; authorizing the department to develop a program for testing employees who are in safety-sensitive and special risk positions for certain controlled substances based upon a reasonable suspicion; providing for the reasonable suspicion to include violent acts or behavior of an employee while on or off duty; requiring the department to adopt rules; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 907

Speaker Bense in the Chair.

Yeas—118

Adams	Berfield	Culp	Gelber
Allen	Bilirakis	Cusack	Gibson, A.
Altman	Bogdanoff	Davis, D.	Gibson, H.
Ambler	Bowen	Davis, M.	Glorioso
Anderson	Brandenburg	Dean	Goldstein
Antone	Brown	Detert	Goodlette
Arza	Brummer	Domino	Gottlieb
Attkisson	Brutus	Evers	Greenstein
Ausley	Bucher	Farkas	Grimsley
Barreiro	Bullard	Fields	Harrell
Baxley	Cannon	Flores	Hasner
Bean	Carroll	Galvano	Hays
Bendross-Mindingall	Clarke	Gannon	Henriquez
Bense	Coley	Garcia	Holloway
Benson	Cretul	Gardiner	Homan

Hukill	Machek	Proctor	Simmons
Jennings	Mahon	Quinones	Smith
Johnson	Mayfield	Reagan	Sobel
Jordan	McInvale	Rice	Sorensen
Joyner	Meadows	Richardson	Stansel
Justice	Mealor	Rivera	Stargel
Kendrick	Murzin	Robaina	Taylor
Kottkamp	Needelman	Roberson	Traviesa
Kravitz	Negron	Ross	Troutman
Kreegel	Patterson	Rubio	Vana
Kyle	Peterman	Russell	Waters
Legg	Pickens	Ryan	Williams
Littlefield	Planas	Sands	Zapata
Llorente	Poppell	Sansom	
Lopez-Cantera	Porth	Seiler	

Nays—None

Votes after roll call:
Yeas—Grant, Slosberg

So the bill passed, as amended, and was immediately certified to the Senate.

Motion

On motion by Rep. Goodlette, the rules were waived and the House advanced to the order of—

Special Orders

HB 449—A bill to be entitled An act relating to economic development; amending s. 212.08, F.S.; conforming provisions to the revision creating designated urban job tax credit areas; amending s. 212.097, F.S.; revising provisions providing for an urban job tax credit program to apply to designated urban job tax credit areas rather than high-crime areas; revising and providing definitions, eligibility criteria, application procedures and requirements, and area characteristics and criteria; amending ss. 220.1895 and 288.99, F.S.; conforming provisions to the revision creating designated urban job tax credit areas; providing an effective date.

The Commerce Council recommended the following:

HB 449 CS—A bill to be entitled An act relating to economic development; amending s. 212.08, F.S.; conforming provisions to the revision creating designated urban job tax credit areas; amending s. 212.097, F.S.; revising provisions providing for an urban job tax credit program to apply to designated urban job tax credit areas rather than high-crime areas; revising and providing definitions, eligibility criteria, application procedures and requirements, area characteristics and criteria, and area designation limitations; providing for tax credits to certain businesses; providing procedures and requirements for and limitations on tax credits; providing duties and responsibilities of the Office of Tourism, Trade, and Economic Development; providing for liability and a criminal penalty for fraudulent claim of the credit; providing limitations on corporations claiming the credit against certain taxes; authorizing the Department of Revenue to adopt rules and establish guidelines; providing for retention of the program and tax credit eligibility and amount by certain businesses for a certain time; providing for future repeal; amending ss. 220.1895 and 288.99, F.S.; conforming provisions to the revision creating designated urban job tax credit areas; creating s. 290.0078, F.S.; authorizing Charlotte County or Charlotte County and the City of Punta Gorda to apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing requirements; authorizing the office to designate an enterprise zone; providing an effective date.

—was read the second time by title.

REPRESENTATIVE SMITH IN THE CHAIR

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 857—A bill to be entitled An act relating to the insurance premium tax; amending s. 624.509, F.S.; providing for separate taxation of certain title insurance gross receipts; providing limitations; amending s. 627.7711, F.S.; revising the definition of the term "premium"; providing an effective date.

The Fiscal Council recommended the following:

HB 857 CS—A bill to be entitled An act relating to the insurance premium tax; amending s. 624.509, F.S.; providing for separate taxation of certain title insurance premiums; providing a definition; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 1321—A bill to be entitled An act relating to entertainment industry economic development; transferring, renumbering, and amending s. 288.1254, F.S.; revising the entertainment industry financial incentive program to provide corporate income tax credits to qualified entertainment entities rather than reimbursements from appropriations; revising provisions relating to definitions, creation and scope, application procedures, approval process, eligibility, required documents, qualified productions, rules, fraudulent claims, and annual reports; providing criteria and limitations for awards of tax credits; providing marketing requirements; providing for future repeal; amending s. 477.0135, F.S.; correcting a cross-reference; providing an effective date.

The State Infrastructure Council recommended the following:

HB 1321 CS—A bill to be entitled An act relating to entertainment industry economic development; amending s. 212.08, F.S.; providing for an entertainment industry credit of sales and use taxes paid on qualified expenditures; providing criteria, requirements, procedures, and limitations on the credit; providing for uses of the credit; providing duties and responsibilities of the Office of Film and Entertainment, the Office of Tourism, Trade, and Economic Development, and the Department of Revenue; authorizing the Office of Tourism, Trade, and Economic Development to adopt rules; providing for liability for fraudulent credit applications; amending s. 213.053, F.S.; authorizing the Department of Revenue to provide certain tax credit and tax refund information to the Office of Film and Entertainment and the Office of Tourism, Trade, and Economic Development; amending s. 220.02, F.S.; revising the order of priority list of applicable credits against certain taxes; creating s. 220.192, F.S.; providing for an entertainment industry corporate income tax credit of a percentage of certain qualified expenditures; providing criteria, requirements, procedures, and limitations on the credit; providing for aggregate amounts of tax credits available; providing for uses and allocations of the credit; providing for use and carryforward of the credit; providing for transfers of the credit; providing for noncorporate distributions of tax credits; authorizing the Office of Tourism, Trade, and Economic Development and the Department of Revenue to adopt rules; providing for liability for fraudulent credit applications; amending s. 288.1254, F.S.; revising the entertainment industry financial incentive program to provide corporate income tax and sales and use tax credits to qualified entertainment entities rather than reimbursements from appropriations; revising provisions relating to definitions, creation and scope, application procedures, approval process, eligibility, required documents, qualified productions, and annual reports; providing criteria and limitations for awards of tax credits; providing marketing requirements; requiring the Office of Tourism, Trade, and Economic Development and Department of Revenue to adopt rules; providing liability for reimbursement of certain costs and fees associated with fraudulent applications; providing for future repeal; providing an appropriation; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 821—A bill to be entitled An act relating to a homeownership assistance contribution tax credit program; amending s. 14.2015, F.S.; revising the duties of the Office of Tourism, Trade, and Economic Development to conform; amending s. 212.08, F.S.; reducing the amount of available tax credits for projects under the community contribution tax credit program; removing from the community contribution tax credit program provisions relating to affordable housing for certain low-income households; establishing a tax credit against the sales and use tax for certain homeownership assistance contributions; providing for authorization; providing eligibility, application, and distribution requirements; providing for administration by the office and expiration; providing methods and procedures for computing and granting the credit; providing limitations; specifying a maximum amount available for projects under the homeownership assistance contribution tax credit program; authorizing the office to adopt rules; providing duties of the office; amending s. 220.02, F.S.; revising legislative intent relating to the order of priority of application of credits against the corporate income tax to include homeownership assistance contribution tax credits; amending s. 220.03, F.S.; deleting the definitions of "community contribution" and "project"; conforming cross-references; amending ss. 220.183 and 624.5105, F.S.; reducing the amount of available tax credits against the corporate income tax and the insurance premium tax for projects under the community contribution tax credit program; removing from the community contribution tax credit program provisions relating to affordable housing for certain low-income households; creating ss. 220.1835 and 624.5108, F.S.; establishing tax credits against the corporate income tax and the insurance premium tax for certain homeownership assistance contributions; providing for authorization; providing eligibility, application, and distribution requirements; providing for administration by the office and expiration; providing methods and procedures for computing and granting the credit; providing limitations; specifying a maximum amount of tax credits available for projects under the homeownership assistance contribution tax credit program; authorizing the office to adopt rules; providing duties of the office; amending ss. 212.06, 220.02, 220.181, 220.182, 288.1045, 288.106, and 290.00677, F.S.; conforming cross-references; providing an effective date.

The Finance & Tax Committee recommended the following:

HB 821 CS—A bill to be entitled An act relating to the community contribution tax credit program; amending ss. 212.08, 220.183, and 624.5105, F.S.; increasing the amount of available tax credits against the sales tax, corporate income tax, and insurance premium tax, respectively, for projects under the community contribution tax credit program and providing separate annual limitations for certain projects; revising requirements and procedures for the Office of Tourism, Trade, and Economic Development in granting tax credits under the program; providing an effective date.

—was read the second time by title.

Representative(s) Goodlette offered the following:

(Amendment Bar Code: 809973)

Amendment 1—Remove lines 55-57 and insert:
s. 624.5105 is $10.5 ~~$12~~ million annually for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) and $3.5

Rep. Goodlette moved the adoption of the amendment, which was adopted.

Representative(s) Goodlette offered the following:

(Amendment Bar Code: 556135)

Amendment 2—Remove lines 296-298 and insert:
and s. 624.5105 is $10.5 ~~$12~~ million annually for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) and $3.5

Rep. Goodlette moved the adoption of the amendment, which was adopted.

Representative(s) Goodlette offered the following:

(Amendment Bar Code: 588857)

Amendment 3—Remove lines 398-401 and insert:
212.08(5)(q) and 220.183 is $10.5 ~~$12~~ million annually for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) and $3.5 million annually for all other projects.

Rep. Goodlette moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 1079—A bill to be entitled An act relating to an exemption from the tax on sales, use, and other transactions; amending s. 212.08, F.S.; exempting certain advertising materials distributed free of charge by mail in an envelope; providing an effective date.

The Commerce Council recommended the following:

HB 1079 CS—A bill to be entitled An act relating to an exemption from the tax on sales, use, and other transactions; amending s. 212.02, F.S.; defining the term "qualified aircraft"; amending s. 212.08, F.S.; including qualified aircraft under certain miscellaneous exemption provisions relating to aircraft; exempting certain advertising materials distributed free of charge by mail in an envelope; creating s. 212.0801, F.S.; providing criteria, requirements, and limitations on exemptions for purchases or leases of qualified aircraft; providing an effective date.

—was read the second time by title.

Representative(s) Altman offered the following:

(Amendment Bar Code: 378673)

Amendment 1 (with title amendment)—Remove line(s) 93-111 and insert:
212.0801 Qualified aircraft exemption.--To be eligible to receive an exemption under s. 212.08(7) for a qualified aircraft, a purchaser or lessee must offer, in writing, to participate in a flight training and research program with two or more universities based in this state which offer graduate programs in aeronautical or aerospace engineering and offer flight training through a school of aeronautics or college of aviation. The purchaser or lessee shall forward a copy of the written offer to the Department of Revenue. No exemption provided in this chapter for the lease, purchase, repair, or maintenance of a qualified aircraft shall be allowed unless the purchaser or lessee furnishes the dealer with a certificate stating that the lease, purchase, repair, or maintenance to be exempted is for the exclusive use of the purchaser or lessee of a qualified aircraft and that the purchaser or lessee otherwise qualifies for the exemption as provided in this section. If a purchaser or lessee makes tax-exempt purchases of qualified aircraft or leases a qualified aircraft on a continual basis, the purchaser or lessee may tender the certificate once and allow the dealer to keep a certificate on file. The purchaser or lessee shall inform the dealer that has a certificate on file when the purchaser or lessee no longer qualifies for the exemption. The department shall determine the format of the certificate.

Rep. Altman moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HJR 353—A joint resolution proposing an amendment to Section 6 of Article VII of the State Constitution to increase the homestead exemption from $25,000 to $50,000 for all levies.

The Fiscal Council recommended the following:

HJR 353 CS—A joint resolution proposing an amendment to Section 6 of Article VII and the creation of Section 26 of Article XII of the State Constitution to increase the maximum additional homestead exemption for low-income seniors from $25,000 to $50,000 and to schedule the amendment to take effect January 1, 2007, if adopted.

—was read the second time by title.

Representatives Domino, Johnson, and Gelber offered the following:

(Amendment Bar Code: 860585)

Amendment 1 (with ballot statement and title amendments)—Remove lines 15-22 and insert:
That the following amendments to Sections 4 and 6 of Article VII and the creation of Section 26 of Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VII
FINANCE AND TAXATION

Section 4. Taxation; assessments.--By general law regulations shall be prescribed which shall secure a just valuation of all property for ad valorem taxation, provided:

(a) Agricultural land, land producing high water recharge to Florida's aquifers, or land used exclusively for noncommercial recreational purposes may be classified by general law and assessed solely on the basis of character or use.

(b) Pursuant to general law tangible personal property held for sale as stock in trade and livestock may be valued for taxation at a specified percentage of its value, may be classified for tax purposes, or may be exempted from taxation.

(c) All persons entitled to a homestead exemption under Section 6 of this Article shall have their homestead assessed at just value as of January 1 of the year following the effective date of this amendment. This assessment shall change only as provided herein.

(1) Assessments subject to this provision shall be changed annually on January 1st of each year; but those changes in assessments shall not exceed the lower of the following:

a. Three percent (3%) of the assessment for the prior year.

b. The percent change in the Consumer Price Index for all urban consumers, U.S. City Average, all items 1967=100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics.

(2) No assessment shall exceed just value.

(3) After any change of ownership, as provided by general law, homestead property shall be assessed at just value as of January 1 of the following year, unless the provisions of paragraph (8) apply. Thereafter, the homestead shall be assessed as provided herein.

(4) New homestead property shall be assessed at just value as of January 1st of the year following the establishment of the homestead, unless the provisions of paragraph (8) apply. That assessment shall only change as provided herein.

(5) Changes, additions, reductions, or improvements to homestead property shall be assessed as provided for by general law; provided, however, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided herein.

(6) In the event of a termination of homestead status, the property shall be assessed as provided by general law.

(7) The provisions of this amendment are severable. If any of the provisions of this amendment shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of this amendment.

(8) When a person sells his or her homestead property within this state and within one year purchases another property and establishes such property as homestead property, the newly established homestead property shall be initially assessed at less than just value, as provided by general law. The difference between the new homestead property's just value and its assessed value in the first year the homestead is established may not exceed the difference between the previous homestead property's just value and its assessed value in the year of sale. In addition, to be assessed as provided in this paragraph, the assessed value of the new homestead property must equal or exceed the assessed value of the previous homestead property. Thereafter, the homestead property shall be assessed as provided herein. Homestead property located within a fiscally constrained county may be exempt from this paragraph as provided by general law and subject to approval of the electors of the county voting in a referendum to be held no earlier than November 1, 2009.

(d) The legislature may, by general law, for assessment purposes and subject to the provisions of this subsection, allow counties and municipalities to authorize by ordinance that historic property may be assessed solely on the basis of character or use. Such character or use assessment shall apply only to the jurisdiction adopting the ordinance. The requirements for eligible properties must be specified by general law.

(e) A county may, in the manner prescribed by general law, provide for a reduction in the assessed value of homestead property to the extent of any increase in the assessed value of that property which results from the construction or reconstruction of the property for the purpose of providing living quarters for one or more natural or adoptive grandparents or parents of the owner of the property or of the owner's spouse if at least one of the grandparents or parents for whom the living quarters are provided is 62 years of age or older. Such a reduction may not exceed the lesser of the following:

(1) The increase in assessed value resulting from construction or reconstruction of the property.

(2) Twenty percent of the total assessed value of the property as improved.

== B A L L O T S T A T E M E N T A M E N D M E N T ==
Remove lines 95-98 and insert:

ARTICLE VII, SECTIONS 4 AND 6
ARTICLE XII, SECTION 26

HOMESTEAD PROPERTY ASSESSMENTS AND INCREASED HOMESTEAD EXEMPTION.--Proposing amendments to the State Constitution to provide for assessing at less than just value property purchased within one year after a sale of homestead property and established as new homestead property, prohibiting the difference between the new homestead property's just value and its assessed value in the first year the homestead is established from exceeding the difference between the previous homestead property's just value and its assessed value in the year of sale, requiring the new homestead property's assessed value to equal or exceed the previous homestead property's assessed value, and authorizing an exemption from such less-than-just-value assessments for homestead property in a fiscally constrained county subject to voter referendum approval no earlier than November 1, 2009, and to increase the maximum additional homestead

======== T I T L E A M E N D M E N T ========
Remove lines 6-8 and insert:
A joint resolution proposing amendments to Sections 4 and 6 of Article VII and the creation of Section 26 of Article XII of the State Constitution to provide an additional circumstance for assessing homestead property at less than just value, authorize an exemption from such circumstance for homestead property in fiscally constrained counties subject to voter approval, and increase the maximum

Rep. Domino moved the adoption of the amendment.

On motion by Rep. Rubio, further consideration of **HJR 353**, with pending amendment, was temporarily postponed.

THE SPEAKER IN THE CHAIR

HB 743—A bill to be entitled An act relating to agricultural usage sales and use tax exemptions; amending s. 212.0501, F.S.; excluding from application of the sales and use tax diesel fuel used in certain farming vehicles or for certain farming purposes; amending s. 212.08, F.S.; exempting from the sales and use tax electricity used for specified

agricultural purposes; providing application; providing a conclusive presumption of taxable use under certain circumstances; providing an effective date.

The Agriculture Committee recommended the following:

HB 743 CS—A bill to be entitled An act relating to agricultural usage sales and use tax exemptions; amending s. 212.0501, F.S.; excluding from application of the sales and use tax diesel fuel used in certain farming vehicles or for certain farming purposes; amending s. 212.08, F.S.; exempting from the sales and use tax electricity used for specified agricultural purposes; providing application; providing a conclusive presumption of taxable use under certain circumstances; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 421—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.031, F.S.; continuing an exemption from the tax on rental or license fees which is provided for certain property rented, leased, or licensed by a convention or exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility for a specified period; providing for future repeal; postponing the repeal of and reviving and readopting s. 212.031(10), F.S., relating to an exemption provided for certain charges imposed by a convention or exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility upon a lessee or licensee; providing for future repeal; amending s. 212.04, F.S., relating to the tax on admissions; continuing in effect a provision that excludes certain service charges from the sale price or actual value of an admission; continuing an exemption from the tax which is provided for admission charges to an event sponsored by a governmental entity, sports authority, or sports commission; providing for future repeal; continuing in effect provisions governing the remitting of certain admission taxes to the Department of Revenue; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 69—A bill to be entitled An act relating to exemptions from the tax on sales, use, and other transactions; amending s. 212.08, F.S.; deleting an annual limitation on an exemption from the sales tax for certain machinery and equipment used to increase productive output; deleting an exemption for machinery and equipment used to expand certain printing manufacturing facilities or plant units; deleting a limitation on application of the exemption for machinery and equipment purchased for use in phosphate or other solid minerals severance, mining, or processing operations by way of a prospective credit; deleting an annual limitation on an exemption from the sales tax for certain machinery and equipment purchased under a federal procurement contract; repealing s. 212.0805, F.S., relating to qualifications for the exemption and credit for machinery and equipment purchased by an expanding business for use in phosphate or other solid minerals severance, mining, or processing operations; providing an appropriation; providing an effective date.

The Fiscal Council recommended the following:

HB 69 CS—A bill to be entitled An act relating to exemptions from the tax on sales, use, and other transactions; providing a short title; providing legislative findings and purpose; amending s. 212.08, F.S.; deleting an annual limitation on an exemption from the sales tax for certain machinery and equipment used to increase productive output; deleting an exemption for machinery and equipment used to expand certain printing manufacturing facilities or plant units; deleting a limitation on application of the exemption for machinery and equipment purchased for use in phosphate or other solid minerals severance, mining, or processing operations by way of a prospective credit; deleting an annual limitation on an exemption from the sales tax for certain machinery and equipment purchased under a federal procurement contract; repealing s. 212.0805, F.S., relating to qualifications for the exemption and credit for machinery and equipment purchased by an expanding business for use in phosphate or other solid minerals severance, mining, or processing operations; providing an appropriation; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 507—A bill to be entitled An act relating to exemptions from the tax on sales, use, and other transactions; amending s. 212.08, F.S.; including in the exemption for items in agricultural use certain agricultural machinery or farm equipment used for low-volume irrigation; providing an effective date.

The Finance & Tax Committee recommended the following:

HB 507 CS—A bill to be entitled An act relating to exemptions from the tax on sales, use, and other transactions; amending s. 212.02, F.S.; defining the term "low-volume irrigation" or "microirrigation"; amending s. 212.08, F.S.; including in the exemption for items in agricultural use certain agricultural machinery or farm equipment used for low-volume irrigation or microirrigation; deleting certain exemptions relating to certain equipment and fuel used in breeding poultry; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 989—A bill to be entitled An act relating to motor fuel taxes; amending s. 206.41, F.S.; providing for a refund of motor fuel taxes paid on motor fuel used for certain commercial aviation purposes; providing a definition; providing an effective date.

The Finance & Tax Committee recommended the following:

HB 989 CS—A bill to be entitled An act relating to motor fuel taxes; amending s. 206.41, F.S.; providing for a refund of motor fuel taxes paid on motor fuel used for certain commercial aviation purposes; providing a definition; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 1243—A bill to be entitled An act relating to education personnel; amending s. 1012.985, F.S.; authorizing a regional professional development academy to receive funds from certain sources for the purpose of developing programs and services; providing that a regional professional development academy is not a component of any school district or governmental unit to which it provides services; providing an effective date.

The Education Council recommended the following:

HB 1243 CS—A bill to be entitled An act relating to education personnel; amending s. 1012.985, F.S.; authorizing a regional professional development academy to receive funds from certain sources for the purpose of developing programs and services; providing that a regional professional development academy is not a component of any school district or governmental unit to which it provides services; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 765—A bill to be entitled An act relating to discounted computers and Internet access for students; creating a program to offer discounted computers and Internet access to public school students and students in home education programs in grades 5 through 12; requiring the Department of Education to negotiate terms with computer manufacturers, certain nonprofit corporations, and broadband Internet access providers; requiring the State Board of Education to adopt rules, including rules for provision of technical training to

students; requiring the Digital Divide Council to implement a pilot project to assist low-income students with purchasing discounted computers and Internet access services; requiring the council to identify eligibility criteria for participation in the pilot project; providing for funding and authorizing the council to accept grants to implement the pilot project; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HJR 447—A joint resolution proposing an amendment to Section 1 of Article IX of the State Constitution relating to public education.

The Education Council recommended the following:

HJR 447 CS—A joint resolution proposing an amendment to Section 1 of Article IX of the State Constitution relating to public education.

—was read the second time by title.

REPRESENTATIVE RUSSELL IN THE CHAIR

Representative(s) Antone offered the following:

(Amendment Bar Code: 507337)

Amendment 1 (with ballot statement amendment)—Remove line(s) 63-69 and insert:

(c)(1) Funding for a high quality public K-12 education through classroom instruction is fundamental. To make adequate provision for a high quality public K-12 education, at least sixty-five percent of school funding received by school districts shall be spent on classroom instruction, rather than on administration. Classroom instruction and administration shall be defined by law.

(2) At a minimum, classroom instruction means: salaries and benefits for teachers and paraprofessionals; costs for instructional materials and supplies; costs associated with classroom-related activities that include field trips, athletics, music, and arts; tuition paid to out-of-state school districts and private institutions for students with special needs; costs for plant operations and maintenance; food services; transportation; and instructional and student support, including media centers, teacher training, nurses, guidance counselors, and school resource officers.

== B A L L O T S T A T E M E N T A M E N D M E N T ==

Remove line(s) 105 and insert:

law; to provide that classroom instruction, at a minimum, means salaries and benefits for teachers and paraprofessionals, costs for instructional materials and supplies, costs associated with classroom-related activities, including field trips, athletics, music, and arts, tuition paid to out-of-state school districts and private institutions for students with special needs, costs for plant operations and maintenance, food services, transportation, and instructional and student support, including media centers, teacher training, nurses, guidance counselors, and school resource officers; to provide flexibility for school districts in meeting

Rep. Antone moved the adoption of the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 908

Representative Russell in the Chair.

Yeas—32

Antone	Bullard	Gibson, A.	Jennings
Ausley	Cusack	Gottlieb	Joyner
Bendross-Mindingall	Fields	Greenstein	Justice
Brandenburg	Gannon	Henriquez	Kendrick
Bucher	Gelber	Holloway	Machek
Meadows	Richardson	Sands	Sobel
Peterman	Roberson	Seiler	Taylor
Porth	Ryan	Smith	Vana

Nays—86

Adams	Coley	Hays	Planas
Allen	Cretul	Homan	Poppell
Altman	Culp	Hukill	Proctor
Ambler	Davis, D.	Johnson	Quinones
Anderson	Davis, M.	Jordan	Reagan
Arza	Dean	Kottkamp	Rice
Attkisson	Detert	Kravitz	Rivera
Barreiro	Domino	Kreegel	Robaina
Baxley	Evers	Kyle	Ross
Bean	Farkas	Legg	Rubio
Bense	Flores	Littlefield	Russell
Benson	Galvano	Llorente	Sansom
Berfield	Garcia	Lopez-Cantera	Simmons
Bilirakis	Gardiner	Mahon	Sorensen
Bogdanoff	Gibson, H.	Mayfield	Stargel
Bowen	Glorioso	McInvale	Traviesa
Brown	Goldstein	Mealor	Troutman
Brummer	Goodlette	Murzin	Waters
Brutus	Grant	Needelman	Williams
Cannon	Grimsley	Negron	Zapata
Carroll	Harrell	Patterson	
Clarke	Hasner	Pickens	

Votes after roll call:
Nays—Slosberg, Stansel
Nays to Yeas—Brutus, Slosberg

Representative(s) Gelber offered the following:

(Amendment Bar Code: 397581)

Amendment 2 (with ballot statement amendments)—Remove line(s) 63-70 and insert:

(c)(1)~~(b)~~ Every four-year old child in Florida shall be

== B A L L O T S T A T E M E N T A M E N D M E N T ==

Remove line(s) 95-103 and insert:

FLEXIBLE CLASS SIZE REDUCTION IMPLEMENTATION.--Proposing an amendment to the State Constitution to provide that funding for high quality public K-12 education through classroom instruction is fundamental; to provide flexibility for school districts in meeting

Rep. Gelber moved the adoption of the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 909

Representative Russell in the Chair.

Yeas—35

Antone	Gannon	Justice	Sands
Ausley	Gelber	Kendrick	Seiler
Bendross-Mindingall	Gibson, A.	Machek	Slosberg
Brandenburg	Gottlieb	Meadows	Smith
Brutus	Greenstein	Peterman	Sobel
Bucher	Henriquez	Porth	Stansel
Bullard	Holloway	Richardson	Taylor
Cusack	Jennings	Roberson	Vana
Fields	Joyner	Ryan	

Nays—84

Adams	Attkisson	Bilirakis	Carroll
Allen	Barreiro	Bogdanoff	Clarke
Altman	Baxley	Bowen	Coley
Ambler	Bean	Brown	Cretul
Anderson	Benson	Brummer	Culp
Arza	Berfield	Cannon	Davis, D.

Davis, M.	Grimsley	Lopez-Cantera	Rice
Dean	Harrell	Mahon	Rivera
Detert	Hasner	Mayfield	Robaina
Domino	Hays	McInvale	Ross
Evers	Homan	Mealor	Rubio
Farkas	Hukill	Murzin	Russell
Flores	Johnson	Needelman	Sansom
Galvano	Jordan	Negron	Simmons
Garcia	Kottkamp	Patterson	Sorensen
Gardiner	Kravitz	Pickens	Stargel
Gibson, H.	Kreegel	Planas	Traviesa
Glorioso	Kyle	Poppell	Troutman
Goldstein	Legg	Proctor	Waters
Goodlette	Littlefield	Quinones	Williams
Grant	Llorente	Reagan	Zapata

Representative(s) Vana offered the following:

(Amendment Bar Code: 051263)

Amendment 3—Remove line(s) 69 and insert:
shall be defined by law. "Adequate provision" means that the legislature shall provide sufficient funds for public K-12 education to ensure that Florida is in the upper 50 percent of state rankings for per-pupil education funding as defined by the United States Department of Education.

Rep. Vana moved the adoption of the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 910

Representative Russell in the Chair.

Yeas—35

Antone	Gannon	Justice	Sands
Ausley	Gelber	Kendrick	Seiler
Bendross-Mindingall	Gibson, A.	Machek	Slosberg
Brandenburg	Gottlieb	Meadows	Smith
Brutus	Greenstein	Peterman	Sobel
Bucher	Henriquez	Porth	Stansel
Bullard	Holloway	Richardson	Taylor
Cusack	Jennings	Roberson	Vana
Fields	Joyner	Ryan	

Nays—84

Adams	Cretul	Hays	Pickens
Allen	Culp	Homan	Planas
Altman	Davis, D.	Hukill	Poppell
Ambler	Davis, M.	Johnson	Proctor
Anderson	Dean	Jordan	Quinones
Arza	Detert	Kottkamp	Reagan
Attkisson	Domino	Kravitz	Rice
Barreiro	Evers	Kreegel	Rivera
Baxley	Farkas	Kyle	Robaina
Bean	Flores	Legg	Ross
Benson	Galvano	Littlefield	Rubio
Berfield	Garcia	Llorente	Russell
Bilirakis	Gardiner	Lopez-Cantera	Sansom
Bogdanoff	Gibson, H.	Mahon	Simmons
Bowen	Glorioso	Mayfield	Sorensen
Brown	Goldstein	McInvale	Stargel
Brummer	Goodlette	Mealor	Traviesa
Cannon	Grant	Murzin	Troutman
Carroll	Grimsley	Needelman	Waters
Clarke	Harrell	Negron	Williams
Coley	Hasner	Patterson	Zapata

Representative(s) Bendross-Mindingall offered the following:

(Amendment Bar Code: 026373)

Amendment 4—Remove line(s) 69 and insert:
shall be defined by law. "Adequate provision" shall be defined to include the requirement that the legislature provide funding to ensure that the average teacher is paid no less than the national average teacher's salary as defined by a nationally recognized education association, except that adjustments may be made for cost of living.

Rep. Bendross-Mindingall moved the adoption of the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 911

Representative Russell in the Chair.

Yeas—36

Allen	Fields	Joyner	Ryan
Antone	Gannon	Justice	Sands
Ausley	Gelber	Kendrick	Seiler
Bendross-Mindingall	Gibson, A.	Machek	Slosberg
Brandenburg	Gottlieb	Meadows	Smith
Brutus	Greenstein	Peterman	Sobel
Bucher	Henriquez	Porth	Stansel
Bullard	Holloway	Richardson	Taylor
Cusack	Jennings	Roberson	Vana

Nays—84

Adams	Cretul	Hays	Pickens
Altman	Culp	Homan	Planas
Ambler	Davis, D.	Hukill	Poppell
Anderson	Davis, M.	Johnson	Proctor
Arza	Dean	Jordan	Quinones
Attkisson	Detert	Kottkamp	Reagan
Barreiro	Domino	Kravitz	Rice
Baxley	Evers	Kreegel	Rivera
Bean	Farkas	Kyle	Robaina
Bense	Flores	Legg	Ross
Benson	Galvano	Littlefield	Rubio
Berfield	Garcia	Llorente	Russell
Bilirakis	Gardiner	Lopez-Cantera	Sansom
Bogdanoff	Gibson, H.	Mahon	Simmons
Bowen	Glorioso	Mayfield	Sorensen
Brown	Goldstein	McInvale	Stargel
Brummer	Goodlette	Mealor	Traviesa
Cannon	Grant	Murzin	Troutman
Carroll	Grimsley	Needelman	Waters
Clarke	Harrell	Negron	Williams
Coley	Hasner	Patterson	Zapata

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Legg, consideration of **HB 7171** was temporarily postponed.

HB 135—A bill to be entitled An act relating to charter schools; amending s. 1002.33, F.S.; providing that the sponsor of a charter school shall not be liable for civil damages for certain actions; providing that the duty to monitor a charter school shall not be the basis for a private cause of action; expanding a school district's immunity from assumption of contractual debts; providing an effective date.

The Choice & Innovation Committee recommended the following:

HB 135 CS—A bill to be entitled An act relating to charter schools; amending s. 1002.33, F.S.; providing that the sponsor of a charter school shall not be liable for civil damages for certain actions; providing that the duty to monitor a charter school shall not be the basis for a private cause of action; prescribing limits on immunities of a charter school sponsor; expanding a school district's immunity from assumption of contractual debts; providing an effective date.

—was read the second time by title.

On motion by Rep. Greenstein, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative(s) Greenstein, Stargel, Legg, and Arza offered the following:

(Amendment Bar Code: 565789)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 1002.335, Florida Statutes, is created to read:

1002.335 Florida Schools of Excellence Commission.--

(1) FINDINGS.--The Legislature finds that:

(a) Charter schools are a critical component in the state's efforts to provide efficient and high-quality schools within the state's uniform system of public education.

(b) Charter schools provide valuable educational options and innovative learning opportunities while expanding the capacity of the state's system of public education and empowering parents with the ability to make choices that best fit the individual needs of their children.

(c) The growth of charter schools in the state has contributed to enhanced student performance, greater efficiency, and the improvement of all public schools.

(2) INTENT.--It is the intent of the Legislature that:

(a) There be established an independent, state-level commission whose primary focus is the development and support of charter schools in order to better meet the growing and diverse needs of some of the increasing number and array of charter schools in the state and to further ensure that charter schools of the highest academic quality are approved and supported throughout the state in an efficient manner.

(b) New sources of community support in the form of municipalities with knowledge of the unique needs of a particular community or state universities, community colleges, or regional educational consortia with special education expertise should be authorized to participate in developing and supporting charter schools that maximize access to a wide variety of high-quality educational options for all students regardless of disability, race, or socioeconomic status.

(3) FLORIDA SCHOOLS OF EXCELLENCE COMMISSION.--

(a) The Florida Schools of Excellence Commission is established as an independent, state-level charter school authorizing entity working in collaboration with the Department of Education and under the supervision of the State Board of Education. Startup funds necessary to establish and operate the commission may be received through private contributions and federal and other institutional grants through the Grants and Donations Trust Fund and the Educational Aids Trust Fund housed within the department in addition to funds provided in the General Appropriations Act. The department shall assist in securing federal and other institutional grant funds to establish the commission.

(b) The commission shall be appointed by the State Board of Education and shall be composed of three appointees recommended by the Governor, two appointees recommended by the President of the Senate, and two appointees recommended by the Speaker of the House of Representatives. The Governor, the President of the Senate, and the Speaker of the House of Representatives shall each recommend a list of no fewer than two nominees for any appointment to the commission. The appointments shall be made as soon as feasible but no later than September 1, 2006. Each member shall serve a term of 2 years; however, for the purpose of providing staggered terms, of the initial appointments, three members shall be appointed to 1-year terms and four members shall be appointed to 2-year terms. Thereafter, each appointee shall serve a 2-year term unless the State Board of Education, after review, extends the appointment. If a vacancy occurs on the commission, it shall be filled by the State Board of Education from a recommendation by the appropriate authority according to the procedure set forth in this paragraph. The members of the commission shall annually vote to appoint a chair and a vice chair. Each member of the commission must hold a bachelor's degree or higher, and the commission must include individuals who have experience in finance, administration, law, education, and school governance.

(c) The commission is encouraged to convene its first meeting no later than October 1, 2006, and, thereafter, shall meet each month at the call of the chair or upon the request of four members of the commission. Four members of the commission shall constitute a quorum.

(d) The commission shall appoint an executive director who shall employ such staff as is necessary to perform the administrative duties and responsibilities of the commission.

(e) The members of the commission shall not be compensated for their services on the commission but may be reimbursed for per diem and travel expenses pursuant to s. 112.061.

(4) POWERS AND DUTIES.--

(a) The commission shall have the power to:

1. Authorize and act as a sponsor of charter schools, including the approval or denial of charter school applications pursuant to subsection (9) and the nonrenewal or termination of charter schools pursuant to s. 1002.33(8).

2. Authorize municipalities, state universities, community colleges, and regional educational consortia to act as cosponsors of charter schools, including the approval or denial of cosponsor applications pursuant to State Board of Education rule and subsection (6) and the revocation of approval of cosponsors pursuant to State Board of Education rule and subsection (8).

3. Approve or deny Florida Schools of Excellence (FSE) charter school applications and renew or terminate charters of FSE charter schools.

4. Conduct facility and curriculum reviews of charter schools approved by the commission or one of its cosponsors.

(b) The commission shall have the following duties:

1. Review charter school applications and assist in the establishment of Florida Schools of Excellence (FSE) charter schools throughout the state. An FSE charter school shall exist as a public school within the state as a component of the delivery of public education within Florida's K-20 education system.

2. Develop, promote, and disseminate best practices for charter schools and charter school sponsors in order to ensure that high-quality charter schools are developed and incentivized. At a minimum, the best practices shall encourage the development and replication of academically and financially proven charter school programs.

3. Develop, promote, and require high standards of accountability for any school that applies for and is granted a charter under this section.

4. Monitor and annually review the performance of cosponsors approved pursuant to this section and hold the cosponsors accountable for their performance pursuant to the provisions of paragraph (6)(c). The commission shall annually review and evaluate the performance of each cosponsor based upon the financial and administrative support provided to the cosponsor's charter schools and the quality of charter schools approved by the cosponsor, including the academic performance of the students that attend those schools.

5. Monitor and annually review and evaluate the academic and financial performance of the charter schools it sponsors and hold the schools accountable for their performance pursuant to the provisions of chapter 1008.

6. Report the student enrollment in each of its sponsored charter schools to the district school board of the county in which the school is located.

7. Work with its cosponsors to monitor the financial management of each FSE charter school.

8. Direct charter schools and persons seeking to establish charter schools to sources of private funding and support.

9. Actively seek, with the assistance of the department, supplemental revenue from federal grant funds, institutional grant funds, and philanthropic organizations. The commission may, through the department's Grants and Donations Trust Fund, receive and expend gifts, grants, and donations of any kind from any public or private entity to carry out the purposes of this section.

10. Review and recommend to the Legislature any necessary revisions to statutory requirements regarding the qualification and approval of municipalities, state universities, community colleges, and regional educational consortia as cosponsors for FSE charter schools.

11. Review and recommend to the Legislature any necessary revisions to statutory requirements regarding the standards for accountability and criteria for revocation of approval of cosponsors of FSE charter schools.

12. Act as liaison for cosponsors and FSE charter schools in cooperating with district school boards that may choose to allow charter schools to utilize excess space within district public school facilities.

13. Collaborate with municipalities, state universities, community colleges, and regional educational consortia as cosponsors for FSE charter schools for the purpose of providing the highest level of public education to low-income, low-performing, gifted, or underserved student populations. Such collaborations shall:

a. Allow state universities and community colleges that cosponsor FSE charter schools to enable students attending a charter school to take college courses and receive high school and college credit for such courses.

b. Be used to determine the feasibility of opening charter schools for students with disabilities, including, but not limited to, charter schools for children with autism that work with and utilize the specialized expertise of the Centers for Autism and Related Disabilities established and operated pursuant to s. 1004.55.

14. Support municipalities when the mayor or chief executive, through resolution passed by the governing body of the municipality, expresses an intent to cosponsor and establish charter schools within the municipal boundaries.

15. Meet the needs of charter schools and school districts by uniformly administering high-quality charter schools, thereby removing administrative burdens from the school districts.

16. Assist FSE charter schools in negotiating and contracting with district school boards that choose to provide certain administrative or transportation services to the charter schools on a contractual basis.

17. Provide training for members of FSE charter school governing bodies within 90 days after approval of the charter school. The training shall include, but not be limited to, best practices on charter school governance, the constitutional and statutory requirements relating to public records and meetings, and the requirements of applicable statutes and State Board of Education rules.

18. Perform all of the duties of sponsors set forth in s. 1002.33(5)(b) and (20).

(5) CHARTERING AUTHORITY.--

(a) A charter school applicant may submit an application to the commission only if the school district in which the FSE charter school is to be located has not retained exclusive authority to authorize charter schools as provided in paragraph (e). If a district school board has not retained exclusive authority to authorize charter schools as provided in paragraph (e), the district school board and the commission shall have concurrent authority to authorize charter schools and FSE charter schools, respectively, to be located within the geographic boundaries of the school district. The district school board shall monitor and oversee all charter schools authorized by the district school board pursuant to s. 1002.33. The commission shall monitor and oversee all FSE charter schools sponsored by the commission pursuant to subsection (4).

(b) Paragraph (e) may not be construed to eliminate the ability of a district school board to authorize charter schools pursuant to s. 1002.33. A district school board shall retain the authority to reauthorize and to oversee any charter school that it has authorized, except with respect to any charter school that is converted to an FSE charter school under this section.

(c) For fiscal year 2007-2008 and for each fiscal year thereafter, a district school board may seek to retain exclusive authority to authorize charter schools within the geographic boundaries of the school district by presenting to the State Board of Education, on or before March 1 of the fiscal year prior to that for which the exclusive authority is to apply, a written resolution adopted by the district school board indicating the intent to retain exclusive authority to authorize charter schools. A district school board may seek to retain the exclusive authority to authorize charter schools by presenting to the state board the written resolution on or before a date 60 days after establishment of the commission. The written resolution shall be accompanied by a written description addressing the elements described in paragraph (e). The district school board shall provide a complete copy of the resolution, including the description, to each charter school authorized by the district school board on or before the date it submits the resolution to the state board.

(d) A party may challenge the grant of exclusive authority made by the State Board of Education pursuant to paragraph (e) by filing with the state board a notice of challenge within 30 days after the state board grants exclusive authority. The notice shall be accompanied by a specific written description of the basis for the challenge. The challenging party, at the time of filing notice with the state board, shall provide a copy of the notice of challenge to the district school board that has been granted exclusive authority. The state board shall permit the district school board the opportunity to appear and respond in writing to the challenge. The state board shall make a determination upon the challenge within 60 days after receiving the notice of challenge.

(e) The State Board of Education shall grant to a district school board exclusive authority to authorize charter schools within the geographic boundaries of the school district if the state board determines, after adequate notice, in a public hearing, and after receiving input from any charter school authorized by the district school board, that the district school board has provided fair and equitable treatment to its charter schools during the 4 years prior to the district school board's submission of the resolution described in paragraph (c). The state board's review of the resolution shall, at a minimum, include consideration of the following:

1. Compliance with the provisions of s. 1002.33.

2. Compliance with full and accurate accounting practices and charges for central administrative overhead costs.

3. Compliance with requirements allowing a charter school, at its discretion, to purchase certain services or a combination of services at actual cost to the district.

4. The absence of a district school board moratorium regarding charter schools or the absence of any districtwide charter school enrollment limits.

5. Compliance with valid orders of the state board.

6. The provision of assistance to charter schools to meet their facilities needs by including those needs in local bond issues or otherwise providing available land and facilities that are comparable to those provided to other public school students in the same grade levels within the school district.

7. The distribution to charter schools authorized by the district school board of a pro rata share of federal and state grants received by the district school board, except for any grant received for a particular purpose which, by its express terms, is intended to benefit a student population not able to be served by, or a program not able to be offered at, a charter school that did not receive a proportionate share of such grant proceeds.

8. The provision of adequate staff and other resources to serve charter schools authorized by the district school board, which services are provided by the district school board at a cost to the charter schools that does not exceed their actual cost to the district school board.

9. The lack of a policy or practice of imposing individual charter school enrollment limits, except as otherwise provided by law.

10. The provision of an adequate number of educational choice programs to serve students exercising their rights to transfer pursuant to the "No Child Left Behind Act of 2001," Pub. L. No. 107-110, and a history of charter school approval that encourages chartering.

(f) The decision of the State Board of Education pursuant to paragraph (e) shall not be subject to the provisions of chapter 120 and shall be a final action subject to judicial review by the district court of appeal.

(g) For district school boards that have no discernable history of authorizing charter schools, the State Board of Education may not grant exclusive authority unless the district school board demonstrates that no approvable application has come before the district school board.

(h) A grant of exclusive authority by the State Board of Education shall continue so long as a district school board continues to comply with this section and has presented a written resolution to the state board as set forth in paragraph (c).

(i) Notwithstanding any other provision of this section to the contrary, a district school board may permit the establishment of one or more FSE charter schools within the geographic boundaries of the school district by adopting a favorable resolution and submitting the resolution to the State Board of Education. The resolution shall be effective until it is rescinded by resolution of the district school board.

(6) APPROVAL OF COSPONSORS.--

(a) The commission shall begin accepting applications by municipalities, state universities, community colleges, and regional educational consortia no later than January 31, 2007. The commission shall review and evaluate all applications for compliance with the provisions of paragraph (c) and shall

have 90 days after receipt of an application to approve or deny the application unless the 90-day period is waived by the applicant.

(b) The commission shall limit the number of charter schools that a cosponsor may approve pursuant to its review of the cosponsor's application under paragraph (c). Upon application by the cosponsor and review by the commission of the performance of a cosponsor's current charter schools, the commission may approve a cosponsor's application to raise the limit previously set by the commission.

(c) Any entity set forth in paragraph (a) that is interested in becoming a cosponsor pursuant to this section shall prepare and submit an application to the commission that provides evidence that the entity:

1. Has the necessary staff and infrastructure or has established the necessary contractual or interagency relationships to ensure its ability to handle all of the administrative responsibilities required of a charter school sponsor as set forth in s. 1002.33(20).

2. Has the necessary staff expertise and infrastructure or has established the necessary contractual or interagency relationships to ensure that it will approve and is able to develop and maintain charter schools of the highest academic quality.

3. Is able to provide the necessary public and private financial resources and staff to ensure that it can monitor and support charter schools that are economically efficient and fiscally sound.

4. Is committed to providing equal access to all students and to maintaining a diverse student population within its charter schools, including compliance with all applicable requirements of federal law.

5. Is committed to serving low-income, low-performing, gifted, or underserved student populations.

6. Has articulated annual academic and financial goals and expected outcomes for its charter schools as well as the methods and plans by which it will measure and achieve those goals and outcomes.

7. Has policies in place to protect its cosponsoring practices from conflicts of interest.

(d) The commission's decision to deny an application or to revoke approval of a cosponsor pursuant to subsection (8) is not subject to chapter 120 and may be appealed to the State Board of Education pursuant to s. 1002.33(6).

(7) COSPONSOR AGREEMENT.--

(a) Upon approval of a cosponsor, the commission and the cosponsor shall enter into an agreement that defines the cosponsor's rights and obligations and includes the following:

1. An explanation of the personnel, contractual and interagency relationships, and potential revenue sources referenced in the application as required in paragraph (6)(c).

2. Incorporation of the requirements of equal access for all students, including any plans to provide food service or transportation reasonably necessary to provide access to as many students as possible.

3. Incorporation of the requirement to serve low-income, low-performing, gifted, or underserved student populations.

4. An explanation of the academic and financial goals and expected outcomes for the cosponsor's charter schools and the method and plans by which they will be measured and achieved as referenced in the application.

5. The conflict-of-interest policies referenced in the application.

6. An explanation of the disposition of facilities and assets upon termination and dissolution of a charter school approved by the cosponsor.

7. A provision requiring the cosponsor to annually appear before the commission and provide a report as to the information provided pursuant to s. 1002.33(9)(l) for each of its charter schools.

8. A provision requiring that the cosponsor report the student enrollment in each of its sponsored charter schools to the district school board of the county in which the school is located.

9. A provision requiring that the cosponsor work with the commission to provide the necessary reports to the State Board of Education.

10. Any other reasonable terms deemed appropriate by the commission given the unique characteristics of the cosponsor.

(b) No cosponsor may receive applications for charter schools until a cosponsor agreement with the commission has been approved and signed by the commission and the appropriate individuals or governing bodies of the cosponsor.

(c) The cosponsor agreement shall be proposed and negotiated pursuant to the timeframes set forth in s. 1002.33(6)(i).

(d) The cosponsor agreement shall be attached to and shall govern all charter school contracts entered into by the cosponsor.

(8) CAUSES FOR REVOCATION OF APPROVAL OF A COSPONSOR.--If at any time the commission finds that a cosponsor is not in compliance, or is no longer willing to comply, with its contract with a charter school or with its cosponsor agreement with the commission, the commission shall provide notice and a hearing in accordance with State Board of Education rule. If after a hearing the commission confirms its initial finding, the commission shall revoke the cosponsor's approval. The commission shall assume temporary sponsorship over any charter school sponsored by the cosponsor at the time of revocation. Thereafter, the commission may assume permanent sponsorship over such school or allow the school's governing body to apply to another sponsor or cosponsor.

(9) CHARTER SCHOOL APPLICATION AND REVIEW.--Charter school applications submitted to the commission or to a cosponsor approved by the commission pursuant to subsection (6) shall be subject to the same requirements set forth in s. 1002.33(6). The commission or cosponsor shall receive and review all applications for FSE charter schools according to the provisions for review of charter school applications under s. 1002.33(6)(b).

(10) APPLICATIONS OF EXISTING CHARTER SCHOOLS.--

(a) An application may be submitted pursuant to this section by an existing charter school approved by a district school board provided that the obligations of its charter contract with the district school board will expire prior to entering into a new charter contract with the commission or one of its cosponsors. A district school board may agree to rescind or waive the obligations of a current charter contract to allow an application to be submitted by an existing charter school pursuant to this section. A charter school that changes sponsors pursuant to this subsection shall be allowed to continue the use of all facilities, equipment, and other assets it owned or leased prior to the expiration or rescission of its contract with a district school board sponsor.

(b) An application to the commission or one of its cosponsors by a conversion charter school may only be submitted upon consent of the district school board. In such instance, the district school board may retain the facilities, equipment, and other assets of the conversion charter school for its own use or agree to reasonable terms for their continued use by the conversion charter school.

(11) APPLICATION OF CHARTER SCHOOL STATUTE.--

(a) The provisions of s. 1002.33(7)-(12), (14), and (16)-(19) shall apply to the commission and the cosponsors and charter schools approved pursuant to this section.

(b) The provisions of s. 1002.33(20) shall apply to the commission and the cosponsors and charter schools approved pursuant to this section with the exception that the commission or a cosponsor of a charter school approved pursuant to this section may retain no more than the actual cost of its administrative overhead costs expended to sponsor the charter school not to exceed 5 percent of the funding provided to the charter school.

(12) ACCESS TO INFORMATION.--The commission shall provide maximum access to information to all parents in the state. It shall maintain information systems, including, but not limited to, a user-friendly Internet website, that will provide information and data necessary for parents to make informed decisions. At a minimum, the commission must provide parents with information on its accountability standards, links to schools of excellence throughout the state, and public education programs available in the state.

(13) ANNUAL REPORT.--Each year, the chair of the commission shall appear before the State Board of Education and submit a report regarding the academic performance and fiscal responsibility of all charter schools and cosponsors approved under this section.

(14) IMPLEMENTATION.--The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to facilitate the implementation of this section.

Section 2. Paragraphs (d) through (h) of subsection (6) of section 1002.33, Florida Statutes, are redesignated as paragraphs (e) through (i), respectively, a

new paragraph (d) is added to that subsection, and paragraph (b) of subsection (5), paragraph (f) of subsection (8), and paragraph (a) of subsection (17) of that section are amended, to read:

1002.33 Charter schools.--

(5) SPONSOR; DUTIES.--

(b) Sponsor duties.--

1.a. The sponsor shall monitor and review the charter school in its progress toward the goals established in the charter.

b.~~2.~~ The sponsor shall monitor the revenues and expenditures of the charter school.

c.~~3.~~ The sponsor may approve a charter for a charter school before the applicant has secured space, equipment, or personnel, if the applicant indicates approval is necessary for it to raise working capital.

d.~~4.~~ The sponsor's policies shall not apply to a charter school.

e.~~5.~~ The sponsor shall ensure that the charter is innovative and consistent with the state education goals established by s. 1000.03(5).

f.~~6.~~ The sponsor shall ensure that the charter school participates in the state's education accountability system. If a charter school falls short of performance measures included in the approved charter, the sponsor shall report such shortcomings to the Department of Education.

g. The sponsor shall not be liable for civil damages under state law for personal injury, property damage, or death resulting from an act or omission of an officer, employee, agent, or governing body of the charter school.

h. The sponsor shall not be liable for civil damages under state law for any employment actions taken by an officer, employee, agent, or governing body of the charter school.

i. The sponsor's duties to monitor the charter school shall not constitute the basis for a private cause of action.

2. Immunity for the sponsor of a charter school under subparagraph 1. applies only with respect to acts or omissions not under the sponsor's direct authority as described in this section.

3. Nothing contained in this paragraph shall be considered a waiver of sovereign immunity by a district school board.

4. A community college may work with the school district or school districts in its designated service area to develop charter schools that offer secondary education. These charter schools must include an option for students to receive an associate degree upon high school graduation. District school boards shall cooperate with and assist the community college on the charter application. Community college applications for charter schools are not subject to the time deadlines outlined in subsection (6) and may be approved by the district school board at any time during the year. Community colleges shall not report FTE for any students who receive FTE funding through the Florida Education Finance Program.

(6) APPLICATION PROCESS AND REVIEW.--Beginning September 1, 2003, applications are subject to the following requirements:

(d) For charter school applications in school districts that have not been granted exclusive authority to sponsor charter schools pursuant to s. 1002.335(5), the right to appeal an application denial under paragraph (c) shall be contingent on the applicant having submitted the same or a substantially similar application to the Florida Schools of Excellence Commission or one of its cosponsors. Any such applicant whose application is denied by the commission or one of its cosponsors subsequent to its denial by the district school board may exercise its right to appeal the district school board's denial under paragraph (c) within 30 days after receipt of the commission's or cosponsor's denial or failure to act on the application. However, the applicant forfeits its right to appeal under paragraph (c) if it fails to submit its application to the commission or one of its cosponsors by August 1 of the school year immediately following the district school board's denial of the application.

(8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.--

(f) If a charter is not renewed or is terminated, the charter school is responsible for all debts of the charter school. The district may not assume the debt from any contract ~~for services~~ made between the governing body of the school and a third party, except for a debt that is previously detailed and agreed upon in writing by both the district and the governing body of the school and that may not reasonably be assumed to have been satisfied by the district.

(17) FUNDING.--Students enrolled in a charter school, regardless of the sponsorship, shall be funded as if they are in a basic program or a special program, the same as students enrolled in other public schools in the school district. Funding for a charter lab school shall be as provided in s. 1002.32.

(a) Each charter school shall report its student enrollment to the sponsor ~~district school board~~ as required in s. 1011.62, and in accordance with the definitions in s. 1011.61. The sponsor ~~district school board~~ shall include each charter school's enrollment in the district's report of student enrollment. All charter schools submitting student record information required by the Department of Education shall comply with the Department of Education's guidelines for electronic data formats for such data, and all districts shall accept electronic data that complies with the Department of Education's electronic format.

Section 3. The following sums of money and full-time equivalent positions are appropriated from general revenue to the State Board of Education for the 2006-2007 fiscal year for the purpose of administering this act:

(1) Three full-time equivalent positions and 165,000 in approved annual salary rate.

(2) The sum of $214,630 from recurring general revenue funds for salaries and benefits.

(3) The sum of $199,238 from recurring general revenue funds for expenses.

(4) The sum of $5,700 from nonrecurring general revenue funds for operating capital outlay.

(5) The sum of $1,179 from recurring general revenue funds for transfer to the Department of Management Services for the Human Resource Services Statewide Contract.

Section 4. This act shall take effect July 1, 2006.

======== T I T L E A M E N D M E N T ========

Remove the entire title and insert:

A bill to be entitled

An act relating to charter schools; creating s. 1002.335, F.S.; providing findings and intent; establishing the Florida Schools of Excellence Commission as a charter school authorizing entity; providing for startup funds; providing for membership of the commission; providing powers and duties of the commission, including serving as a sponsor of charter schools, approving certain entities to act as cosponsors, approving or denying applications for Florida Schools of Excellence (FSE) charter schools, and developing standards for and evaluating the performance of cosponsors and charter schools; requiring collaboration with municipalities, state universities, community colleges, and regional educational consortia as cosponsors for FSE charter schools; providing chartering authority; prescribing procedures under which a district school board may become the exclusive authority to authorize charter schools within a school district; providing for challenges to grants of exclusive authority; prescribing conditions to be considered by the State Board of Education in determining whether to grant exclusive authority; providing requirements for approval of cosponsors by the commission; providing components of required cosponsor agreements; providing causes for revocation of approval of a cosponsor; providing for FSE charter school application and review procedures; authorizing existing charter schools to apply as FSE charter schools; providing for application of specified provisions of law; requiring access to information by parents; requiring the commission to submit an annual report; requiring rulemaking; amending s. 1002.33, F.S.; providing that the sponsor of a charter school shall not be liable for civil damages for certain actions; providing that the duty to monitor a charter school shall not be the basis for a private cause of action; prescribing limits on immunities of a charter school sponsor; providing requirements with respect to the right to appeal the denial of a charter school application; expanding a school district's immunity from assumption of contractual debts; revising provisions relating to reporting of charter school student enrollment for purposes of funding; providing appropriations and authorizing positions; providing an effective date.

Rep. Greenstein moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 7103—A bill to be entitled An act relating to charter schools; amending s. 1002.33, F.S.; revising charter school purposes; modifying provisions relating to duties of sponsors, the application process, denial of an application, and review of appeals; requiring the Department of Education to provide technical assistance to charter school applicants; providing requirements relating to charter contracts; providing procedures when a state of financial emergency exists; revising provisions relating to charter terms and renewal; revising nonrenewal and termination provisions, including procedures for immediate termination; revising provisions relating to the reversion of funds; revising duties of a charter school governing body relating to audits; requiring the department to develop a uniform accountability report; providing procedures with respect to charter schools with deficiencies; requiring a school improvement plan to raise student achievement; providing for probation and corrective actions; revising provisions relating to payment and reimbursement to a charter school by a school district and authorizing the withholding of lottery funds under certain circumstances; authorizing the State Board of Education to impose a fine on or withhold lottery funds from a school district for certain violations; requiring conversion charter schools to comply with certain facility requirements under specific situations; authorizing certain zoning and land use designations for certain charter school facilities; revising exemption from assessment of fees; providing for additional services to charter schools and revising administrative fee requirements; requiring the department to develop a standard format for applications, charters, and charter renewals; requiring legislative review of charter schools in 2010; amending s. 218.39, F.S.; requiring the governing body of a charter school to be notified of certain deteriorating financial conditions; amending s. 218.50, F.S.; modifying a short title; amending s. 218.501, F.S.; including charter schools in the statement of purpose relating to financial management; amending s. 218.503, F.S.; providing for charter schools to be subject to provisions governing financial emergencies; providing procedures; amending s. 218.504, F.S.; providing for cessation of state action related to a state of financial emergency; amending s. 11.45, F.S.; conforming provisions; amending s. 1002.32, F.S.; providing that a charter lab school that elects to provide student transportation is eligible for funding for that purpose; amending s. 1003.05, F.S.; modifying the list of special academic programs for transitioning students from military families; amending s. 1012.74, F.S.; providing that educator professional liability insurance shall cover charter school personnel; amending s. 1013.62, F.S.; revising provisions relating to eligibility for and allocation of charter school capital outlay funding; revising purposes for which capital outlay funds may be used; providing effective dates.

The Education Council recommended the following:

HB 7103 CS—A bill to be entitled An act relating to charter schools; amending s. 1002.33, F.S.; revising charter school purposes; modifying provisions relating to duties of sponsors, the application process, denial of an application, and review of appeals; requiring the Department of Education to provide technical assistance to charter school applicants; providing requirements relating to charter contracts; providing procedures when a state of financial emergency exists; revising provisions relating to charter terms and renewal; revising nonrenewal and termination provisions, including procedures for immediate termination; revising provisions relating to the reversion of funds; revising duties of a charter school governing body relating to audits; requiring the department to develop a uniform accountability report; providing procedures with respect to charter schools with deficiencies; requiring a school improvement plan to raise student achievement; providing for probation and corrective actions; requiring consultation with respect to conversion charter school attendance zones; revising provisions relating to payment and reimbursement to a charter school by a school district and authorizing the withholding of lottery funds under certain circumstances; authorizing the State Board of Education to impose a fine on or withhold lottery funds from a school district for certain violations; requiring conversion charter schools to comply with certain facility requirements under specific situations; authorizing certain zoning and land use designations for certain charter school facilities; revising exemption from assessment of fees; authorizing the department to recommend that school districts make certain space available to charter schools; providing for additional services to charter schools and revising administrative fee requirements; requiring the department to develop a standard format for applications, charters, and charter renewals; requiring legislative review of charter schools in 2010; amending s. 218.39, F.S.; requiring the governing body of a charter school to be notified of certain deteriorating financial conditions; amending s. 218.50, F.S.; modifying a short title; amending s. 218.501, F.S.; including charter schools in the statement of purpose relating to financial management; amending s. 218.503, F.S.; providing for charter schools to be subject to provisions governing financial emergencies; providing procedures; amending s. 218.504, F.S.; providing for cessation of state action related to a state of financial emergency; amending s. 11.45, F.S.; conforming provisions; amending s. 1003.05, F.S.; modifying the list of special academic programs for transitioning students from military families; amending s. 1012.74, F.S.; providing that educator professional liability insurance shall cover charter school personnel; providing effective dates.

—was read the second time by title.

On motion by Rep. Stargel, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative(s) Stargel offered the following:

(Amendment Bar Code: 539491)

Amendment 1 (with title amendment)—Remove line(s) 1194-1220 and insert:
amount of the scheduled disbursement, interest at a rate of 1 percent per month calculated on a daily basis on the unpaid balance from the expiration of the 10 working days ~~30-day period~~ until such time as the warrant is issued.

======== T I T L E A M E N D M E N T ========
Remove line(s) 26-30 and insert:
and reimbursement to a charter school by a school district; requiring

Rep. Stargel moved the adoption of the amendment, which was adopted.

On motion by Rep. Stargel, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative(s) Stargel offered the following:

(Amendment Bar Code: 406883)

Amendment 2—Remove line(s) 1225-1230 and insert:
Facilities. Conversion charter schools shall utilize facilities that comply with the State Requirements for Educational Facilities provided that the school district and the charter school have entered into a mutual management plan for the reasonable maintenance of such facilities. The mutual management plan shall contain a provision by which the district school board agrees to maintain charter school facilities in the same manner as its other public schools within the district. Charter schools,

Rep. Stargel moved the adoption of the amendment, which was adopted.

On motion by Rep. Stargel, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative(s) Stargel offered the following:

(Amendment Bar Code: 480719)

Amendment 3 (with title amendment)—Remove line(s) 1597-1617 and insert:

======== T I T L E A M E N D M E N T ========

Remove line(s) 55-57 and insert:
families; providing an effective date.

Rep. Stargel moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 1237—A bill to be entitled An act relating to advanced science and technology research; creating s. 1004.226, F.S.; creating the 21st Century Technology, Research, and Scholarship Enhancement Act; providing legislative findings and intent; providing definitions; creating the Florida Technology, Research, and Scholarship Board within the Board of Governors of the State University System; providing for members of the board; providing for terms; providing for board members to be reimbursed for per diem and expenses incurred in the performance of their duties; requiring that the Board of Governors of the State University System provide staff support and other support for the board; requiring that the board provide recommendations for the 21st Century World Class Scholars Program and the Centers of Excellence Program; authorizing the board to form committees and consult with certain other entities; providing for the 21st Century World Class Scholars Program to provide matching funds to state universities to pay salaries and support research in science and technology; providing guidelines for the board in the development of criteria for recommendation to the Board of Governors; requiring a minimum investment of private funds; specifying the purposes of the Centers of Excellence; requiring the board to recommend to the Board of Governors criteria for approving proposals to create or expand a Center of Excellence, to solicit proposals, and to recommend proposals that meet such criteria; requiring documentation if funds are approved for a Center of Excellence in excess of a specified amount; requiring reports by Centers of Excellence and the Board of Governors; providing for expiration of the act; providing appropriations and authorizing positions; providing for carrying forward certain unexpended balances; providing an effective date.

The Education Council recommended the following:

HB 1237 CS—A bill to be entitled An act relating to special postsecondary education programs; creating s. 1004.226, F.S.; creating the 21st Century Technology, Research, and Scholarship Enhancement Act; providing legislative findings and intent; providing definitions; creating the Florida Technology, Research, and Scholarship Board within the Board of Governors of the State University System; providing for members of the board; providing for terms; providing for board members to be reimbursed for per diem and expenses incurred in the performance of their duties; requiring that the Board of Governors of the State University System provide staff support and other support for the board; requiring that the board provide recommendations for the 21st Century World Class Scholars Program and the Centers of Excellence Program; authorizing the board to form committees and consult with certain other entities; providing for the 21st Century World Class Scholars Program to provide matching funds to state universities; providing guidelines for the board in the development of criteria for recommendation to the Board of Governors; requiring a minimum investment of funds; specifying the purposes of the Centers of Excellence; specifying entities eligible to submit proposals; requiring the board to recommend to the Board of Governors criteria for approving proposals to create or expand a Center of Excellence, to solicit proposals, and to recommend proposals that meet such criteria; requiring documentation if funds are approved for a Center of Excellence in excess of a specified amount; requiring reports by Centers of Excellence and the Board of Governors; providing for expiration of the act; providing appropriations; creating s. 1004.384, F.S.; authorizing a College of Medicine at the University of Central Florida; creating s. 1004.385, F.S.; authorizing a College of Medicine at Florida International University; providing an effective date.

—was read the second time by title.

THE SPEAKER IN THE CHAIR

Representative(s) Pickens offered the following:

(Amendment Bar Code: 429815)

Amendment 1 (with title amendment)—Remove line(s) 302-307 and insert:

Section 2. Section 1004.635, Florida Statutes, is created to read:

1004.635 State University System Research and Economic Development Investment Program.--

(1) LEGISLATIVE INTENT.--It is the intent of the Legislature to create an investment program in state universities that enhances graduate education and enables state universities to become nationally competitive in science and technology-based economic development.

(2) GENERAL PROVISIONS.--There is created the State University System Research and Economic Development Investment Program to provide matching funds to eligible institutions to construct and acquire cutting-edge, state-of-the-art science and engineering research facilities and specialized equipment to support research programs, foster economic development, and accelerate Florida's innovation economy. The program shall be administered by the Board of Governors of the State University System.

(3) INSTITUTIONAL ELIGIBILITY CRITERIA.--To be eligible to participate in the State University System Research and Economic Development Investment Program, a state university must meet each of the following criteria:

(a) The number of nonprofessional doctoral degrees awarded each year must exceed 250. For purposes of this section, nonprofessional doctoral degrees do not include degrees awarded in law, medicine, dentistry, and veterinary medicine. At least 25 percent of the nonprofessional doctoral degrees must be in a mathematics, science, technology, engineering, or health-related discipline as defined by Classification of Instructional Program codes.

(b) The number of postdoctoral appointees reported in the most recent NSF/NIH Survey of Graduate Students and Postdoctorates in Science and Engineering must exceed 200.

(c) The 4-year undergraduate graduation rate must equal 40 percent or higher.

(d) Expenditures from externally awarded contracts and grants must be a minimum of $100 million per year.

(e) The university must have a proven track record of securing patents and licenses leading to products in the marketplace over the last 5 years.

(f) At least 75 percent of the entering freshmen each academic year who are classified as residents for tuition purposes pursuant to s. 1009.21 must be eligible to receive Florida Bright Futures Scholarships.

The Board of Governors shall develop uniform guidelines, definitions, and reporting formats for a university to use to demonstrate that it meets each of the criteria described in this subsection. The Board of Governors shall determine the eligibility status of a state university to participate in the program.

(4) USE OF FUNDS.--Funds appropriated for the State University System Research and Economic Development Investment Program shall be used by the Board of Governors to match funds raised by an eligible university from nonuniversity sources on a one-time dollar-for-dollar basis.

Section 3. For the 2006-2007 fiscal year, the sum of $150,000,000 is appropriated from nonrecurring general revenue funds to the Board of Governors of the State University System of which $50 million shall be allocated for the 21st Century World Class Scholars Program, $50 million shall be allocated for the Centers of Excellence Program, and $50 million shall be allocated for the State University System Research and Economic Development Investment Program.

======== T I T L E A M E N D M E N T ========

Between line(s) 35 and 36, insert:

creating s. 1004.635, F.S.; creating the State University System Research and Economic Development Investment Program to provide matching funds to institutions to construct and acquire facilities and equipment to support research programs and foster economic development; providing for administration by the Board of Governors of the State University System; specifying eligibility criteria for state university participation; providing for the matching of appropriated funds;

Rep. Pickens moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 263—A bill to be entitled An act relating to the Florida Prepaid College Program; amending s. 1009.98, F.S.; deleting the requirement that an independent college or university be a not-for-profit institution to be eligible for transfer of benefits; providing an effective date.

The Education Council recommended the following:

HB 263 CS—A bill to be entitled An act relating to the Florida Prepaid College Program; amending s. 1009.97, F.S.; renaming the Florida Prepaid College Program; amending s. 1009.98, F.S.; deleting a restriction on the types of postsecondary educational institutions to which a qualified beneficiary may apply his or her benefits under the Florida Prepaid College Program; requiring certain advertisements to contain a disclaimer regarding the program; amending s. 732.402, F.S.; conforming provisions; providing an effective date.

—was read the second time by title.

Representative(s) Mealor offered the following:

(Amendment Bar Code: 972715)

Amendment 1 (with title amendment)—Remove line(s) 25-71 and insert:

Section 2. Subsection (5) of section 1009.972, Florida Statutes, is amended to read:

1009.972 Florida Prepaid College Trust Fund.--

(5) Notwithstanding ~~the provisions of~~ chapter 717, funds associated with terminated advance payment contracts pursuant to s. 1009.98(4)(k) and canceled contracts for which no refunds have been claimed shall be retained by the board. The board shall establish procedures for notifying purchasers who subsequently cancel their advance payment contracts of any unclaimed refund and shall establish a time period after which no refund may be claimed by a purchaser who canceled a contract. The board may transfer funds retained from such terminated advance payment contracts and canceled contracts to the Florida Prepaid Tuition Scholarship Program to provide matching funds for prepaid tuition scholarships for economically disadvantaged youth who remain drug free and crime free. In addition, such funds may be used for any other scholarship programs approved by the board under s. 1009.983(8)(b) provided that any matching funds are obtained solely from the private sector.

Section 3. Subsection (1), paragraph (a) of subsection (3), and paragraph (k) of subsection (4) of section 1009.98, Florida Statutes, are amended to read:

1009.98 Stanley G. Tate Florida Prepaid College Program.--

(1) STANLEY G. TATE FLORIDA PREPAID COLLEGE PROGRAM; CREATION.--There is created the Stanley G. Tate ~~a~~ Florida Prepaid College Program to provide a medium through which the cost of registration and dormitory residence may be paid in advance of enrollment in a state postsecondary institution at a rate lower than the projected corresponding cost at the time of actual enrollment. Such payments shall be combined and invested in a manner that yields, at a minimum, sufficient interest to generate the difference between the prepaid amount and the cost of registration and dormitory residence at the time of actual enrollment. Students who enroll in a state postsecondary institution pursuant to this section shall be charged no fees in excess of the terms delineated in the advance payment contract.

(3) TRANSFER OF BENEFITS TO PRIVATE AND OUT-OF-STATE COLLEGES AND UNIVERSITIES AND TO CAREER CENTERS.--A qualified beneficiary may apply the benefits of an advance payment contract toward:

(a) An independent college or university that is located and chartered in Florida, ~~that is not for profit,~~ that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Council for Independent Colleges and Schools, and that confers degrees as defined in s. 1005.02. Any advertisement disseminated by an eligible for-profit independent college or university that references the Stanley G. Tate Florida Prepaid College Program shall clearly state the following: "While the benefits of a Florida Prepaid College contract may be utilized at this institution, the Florida Prepaid College Board does not endorse any particular college or university."

The board shall transfer or cause to be transferred to the institution designated by the qualified beneficiary an amount not to exceed the redemption value of the advance payment contract at a state postsecondary institution. If the cost of registration or housing fees at such institution is less than the corresponding fees at a state postsecondary institution, the amount transferred may not exceed the actual cost of registration and housing fees. A transfer authorized under this subsection may not exceed the number of semester credit hours or semesters of dormitory residence contracted on behalf of a qualified beneficiary. Notwithstanding any other provision in this section, an institution must be an "eligible educational institution" under s. 529 of the Internal Revenue Code to be eligible for the transfer of advance payment contract benefits.

(4) ADVANCE PAYMENT CONTRACTS.--The board shall develop advance payment contracts for registration and may develop advance payment contracts for dormitory residence as provided in this section. Advance payment contracts shall be exempt from chapter 517 and the Florida Insurance Code. Such contracts shall include, but not be limited to, the following:

(k) The period of time after which advance payment contracts that have not been terminated or the benefits used shall be considered terminated. Time expended by a qualified beneficiary as an active duty member of any of the armed services of the United States shall be added to the period of time specified by the board. A ~~No~~ purchaser or qualified beneficiary whose advance payment contract is terminated pursuant to this paragraph is not ~~shall be~~ entitled to a refund. Notwithstanding chapter 717, the board shall retain any moneys paid by the purchaser for an advance payment contract that has been terminated in accordance with this paragraph. Such moneys may be transferred to the Florida Prepaid Tuition Scholarship Program to provide matching funds for prepaid tuition scholarships for economically disadvantaged youths who remain drug free and crime free. In addition, such funds may be used for any other scholarship programs approved by the board under s. 1009.983(8)(b) provided that any matching funds are obtained solely from the private sector.

Section 4. Subsection (8) is added to section 1009.983, Florida Statutes, to read:

1009.983 Direct-support organization; authority.--

(8)(a) The direct-support organization shall administer the Florida Prepaid Tuition Scholarship Program pursuant to the provisions of s. 1009.984.

(b) The board may establish and administer additional scholarship programs supported from escheated funds retained by the board pursuant to s. 1009.972(5) provided that any matching funds for such scholarships are obtained solely from the private sector. The board shall develop criteria for approval of additional scholarship programs supported from escheated funds. The direct-support organization's annual report shall include a list of any additional scholarship programs approved by the board pursuant to this subsection, including a description of the programs and the amount of escheated funds utilized to fund the programs.

======== T I T L E A M E N D M E N T ========

Remove line(s) 6-13 and insert:

An act relating to the Florida Prepaid College Board programs; amending s. 1009.97, F.S.; renaming the Florida Prepaid College Program; amending s.

1009.972, F.S.; authorizing funds in the Florida Prepaid Tuition Scholarship Program to be used for certain approved scholarship programs; amending s. 1009.98, F.S.; deleting a restriction on the types of postsecondary educational institutions to which a qualified beneficiary may apply his or her benefits under the Florida Prepaid College Program; requiring certain advertisements to contain a disclaimer regarding the program; conforming provisions; amending s. 1009.983, F.S.; requiring the direct-support organization of the Florida Prepaid College Board to administer the Florida Prepaid Tuitions Scholarship Program; authorizing the board to establish and administer additional scholarship programs supported from escheated funds retained by the board if the matching funds used for the scholarships are obtained from the private sector; amending s. 732.402,

Rep. Mealor moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 899—A bill to be entitled An act relating to regional consortium service organizations; amending s. 1001.451, F.S.; requiring the determination of services and use of funds to be established by the board of directors of a regional consortium service organization; authorizing establishment of purchasing and bidding programs in lieu of individual school district bid arrangements; authorizing establishment of an educational foundation governed by an educational foundation board of directors; providing for use of property, facilities, and personnel services by an educational foundation; requiring audits; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 7097—A bill to be entitled An act relating to postsecondary education; amending s. 1001.44, F.S.; authorizing an articulation agreement for delivery of associate in applied science degree programs by career centers; providing requirements for use of the designation "technical college"; providing a definition; amending s. 1002.34, F.S.; providing for a charter technical career center to use the designation "technical college"; providing a definition; amending s. 1007.22, F.S.; revising provisions relating to establishment of interinstitutional mechanisms by public postsecondary educational institutions; amending s. 1007.23, F.S.; revising components of the statewide articulation agreement; revising terminology; requiring the State Board of Education to establish articulated career paths for specific professions; requiring career paths to provide credit for certain programs and experiential learning; amending s. 1009.50, F.S.; authorizing certain students in postsecondary career certificate programs to receive Florida public student assistance grants; creating s. 1009.521, F.S.; creating the GED Success Scholarship Program; providing for administration; providing for the award of scholarships from appropriated funds; providing eligibility criteria; providing for transmittal of funds to eligible institutions; providing for reporting; providing for rulemaking; creating s. 1011.802, F.S.; establishing the School District Career Center Facility Enhancement Challenge Grant Program; authorizing a school district direct-support organization to solicit funds and establish a separate career center capital facilities matching account for private contributions for instructional facility construction projects; providing for match by state appropriations; providing for a portion of the cost of a facility construction project to be provided from a school district's local capital funds; providing State Board of Education requirements relating to capital outlay budget requests for such projects; providing for reversion of funds; requiring the Office of Program Policy Analysis and Government Accountability to assess articulation agreements and identify career center programs that may articulate to certain degree programs; requiring recommendations; providing an effective date.

The Education Council recommended the following:

HB 7097 CS—A bill to be entitled An act relating to postsecondary education; amending s. 1001.44, F.S.; authorizing an articulation agreement for delivery of associate in applied science degree programs by career centers; providing requirements for use of the designation "technical college"; providing a definition; amending s. 1002.34, F.S.; providing for a charter technical career center to use the designation "technical college"; providing a definition; amending s. 1007.22, F.S.; revising provisions relating to establishment of interinstitutional mechanisms by public postsecondary educational institutions; amending s. 1007.23, F.S.; revising components of the statewide articulation agreement; revising terminology; creating s. 1007.234, F.S.; requiring the State Board of Education, in consultation with the Board of Governors, to establish statewide articulation agreements for articulated career paths for specific professions; requiring career paths to provide for the articulation of credit for certain programs and experiential learning; providing criteria for participation by nonpublic colleges and schools in the statewide articulation agreements for articulated career paths; requiring the Office of Program Policy Analysis and Government Accountability to assess articulation agreements and identify career center programs that may articulate to certain degree programs; requiring the office to review career paths for articulation of credit awarded by public and private institutions; requiring reporting to the Legislature; creating s. 1011.802, F.S.; establishing the School District Career Center Facility Enhancement Challenge Grant Program; authorizing a school district direct-support organization to solicit funds and establish a separate career center capital facilities matching account for private contributions for instructional facility construction projects; providing for match by state appropriations; providing for a portion of the cost of a facility construction project to be provided from a school district's local capital funds; providing State Board of Education requirements relating to capital outlay budget requests for such projects; providing for reversion of funds; amending s. 1011.94, F.S., relating to the Trust Fund for University Major Gifts; authorizing the Board of Governors Foundation to participate in the program; transferring responsibilities relating to the trust fund from the State Board of Education to the Board of Governors; revising match provisions; removing authority for encumbrances; providing an effective date.

—was read the second time by title.

On motion by Rep. Hays, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative(s) Hays offered the following:

(Amendment Bar Code: 636891)

Amendment 1 (with title amendment)—Remove line(s) 338-367 and insert:

(3)(a) The Board of Governors ~~State Board of Education~~ shall allocate the amount appropriated to the trust fund to each university and New College based on the amount of the donation and the restrictions applied to the donation.

(b) Donations for a specific purpose must be matched in the following manner:

1. Each university that raises at least $100,000 but no more than $599,999 from a private source must receive a matching grant equal to 50 percent of the private contribution.

2. Each university that raises a contribution of at least $600,000 but no more than $1 million from a private source must receive a matching grant equal to 70 percent of the private contribution.

3. Each university that raises a contribution in excess of $1 million but no more than $1.5 million from a private source must receive a matching grant equal to 75 percent of the private contribution.

4. Each university that raises a contribution in excess of $1.5 million but no more than $2 million from a private source must receive a matching grant equal to 80 percent of the private contribution.

5. Each university that raises a contribution in excess of $2 million from a private source must receive a matching grant equal to 100 percent of the private contribution.

(c) The Board of Governors ~~State Board of Education~~ shall encumber state matching funds for any pledged contributions, pro rata, based on the requirements for state matching funds as specified for the particular challenge

grant and the amount of the private donations actually received by the university for the respective challenge grant.

======== T I T L E A M E N D M E N T ========
Remove line(s) 47 and 48 and insert:
Gifts; transferring responsibilities

Rep. Hays moved the adoption of the amendment.

On motion by Rep. Patterson, by the required two-thirds vote, the House agreed to consider the following late-filed substitute amendment.

Representative Patterson offered the following:

(Amendment Bar Code: 394723)

Substitute Amendment 1 (with title amendment)—Remove lines 297-394 and insert:

Section 7. Board of Governors Scholarship Matching Pilot Project.--The Board of Governors and the Board of Governors Foundation are authorized to provide donors with an incentive in the form of matching grants for donations for the sole purpose of providing needs-based financial assistance for students attending state universities. Donations received by the Board of Governors for this purpose prior to September 30, 2006, are eligible for state matching funds through legislative appropriations. Any donations and state matching grants received by the Board of Governors pursuant to this section may be invested by the Board of Governors Foundation. Donations, state matching funds, and associated investment earnings must be fully disbursed for needs-based financial assistance to state university students prior to June 30, 2010. The Board of Governors shall provide annual reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives providing information on the unexpended balance of funds associated with this pilot project; the number of students who received financial assistance; the number of scholarship recipients at each state university; and the minimum, maximum, and average annual award per recipient, by university. The reports shall be submitted by September 30 for the preceding annual period ending on June 30. This section is repealed effective September 30, 2010.

======== T I T L E A M E N D M E N T ========
Remove lines 45-51 and insert:
providing for reversion of funds; creating the Board of Governors Scholarship Matching Pilot Project; providing for funding; providing for annual reports to the Governor and Legislature; providing for future repeal; providing

Rep. Patterson moved the adoption of the substitute amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 1171—A bill to be entitled An act relating to travel to terrorist states; amending s. 1011.81, F.S.; prohibiting the use of funds from the Community College Program Fund, or funds made available to community colleges from outside the fund, to implement, organize, direct, coordinate, or administer activities related to or involving travel to a terrorist state; defining "terrorist state"; amending s. 1011.90, F.S.; prohibiting the use of state or nonstate funds made available to state universities to implement, organize, direct, coordinate, or administer activities related to or involving travel to a terrorist state; defining "terrorist state"; amending s. 112.061, F.S.; providing that travel expenses of public officers or employees for the purpose of implementing, organizing, directing, coordinating, or administering activities related to or involving travel to a terrorist state shall not be allowed under any circumstances; defining "terrorist state"; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 805—A bill to be entitled An act relating to policies, contracts, and programs for the provision of health care services; amending s. 627.642, F.S.; requiring an identification card containing specified information to be given to insureds who have health and accident insurance; amending s. 627.657, F.S.; requiring an identification card containing specified information to be given to insureds under group health insurance policies; amending s. 641.31, F.S.; requiring an identification card to be given to persons having health care services through a health maintenance contract; amending ss. 383.145, 641.185, 641.2018, 641.3107, 641.3922, and 641.513, F.S.; conforming cross-references to changes made by the act; providing an effective date.

The Commerce Council recommended the following:

HB 805 CS—A bill to be entitled An act relating to plans, policies, contracts, and programs for the provision of health care services; amending s. 408.909, F.S.; revising eligibility requirements for participation in health flex plans; amending s. 627.642, F.S.; requiring an identification card containing specified information to be given to insureds who have health and accident insurance; amending s. 627.657, F.S.; requiring an identification card containing specified information to be given to insureds under group health insurance policies; amending s. 641.31, F.S.; requiring an identification card to be given to persons having health care services through a health maintenance contract; amending ss. 383.145, 641.185, 641.2018, 641.3107, 641.3922, and 641.513, F.S.; conforming cross-references to changes made by the act; providing application; providing an effective date.

—was read the second time by title.

Representative(s) Benson offered the following:

(Amendment Bar Code: 276587)

Amendment 1—Remove line(s) 30-49 and insert:

(a)1. Are 64 years of age or younger;

2.~~(b)~~ Have a family income equal to or less than 250 ~~200~~ percent of the federal poverty level;

3.~~(c)~~ Are eligible under a federally approved Medicaid demonstration waiver and reside in Palm Beach County or Miami-Dade County;

4.~~(d)~~ Are not covered by a private insurance policy and are not eligible for coverage through a public health insurance program, such as Medicare or Medicaid, unless specifically authorized under subparagraph 3. ~~paragraph (c)~~, or another public health care program, such as KidCare, and have not been covered at any time during the past 6 months; and

5.~~(e)~~ Have applied for health care coverage through an approved health flex plan and have agreed to make any payments required for participation, including periodic payments or payments due at the time health care services are provided; or

(b) Are part of an employer group where at least 75 percent of the employees have a family income equal to or less than 250 percent of the federal poverty level and the employee group is not covered by a private health insurance policy and has not been covered at any time during the past 6 months. If the health flex plan entity is a health insurer or health maintenance organization properly licensed under Florida law, only 50 percent of the employees must meet the income requirements for the purposes of this paragraph.

Rep. Benson moved the adoption of the amendment.

Representative(s) Benson offered the following:

(Amendment Bar Code: 671339)

Amendment 1 to Amendment 1—Remove line 26 and insert:
the health flex plan entity is a health insurer, health plan, or health

Rep. Benson moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

Representative Benson offered the following:

(Amendment Bar Code: 485705)

Amendment 2 (with title amendment)—Between lines 49 and 50, insert:

Section 2. Subsection (1) of section 627.4236, Florida Statutes, is amended to read:

627.4236 Coverage for bone marrow transplant procedures.--

(1) As used in this section, the term "bone marrow transplant" means human blood precursor cells administered to a patient to restore normal hematological and immunological functions following ablative or nonablative therapy with curative or life-prolonging intent. Human blood precursor cells may be obtained from the patient in an autologous transplant or from a medically acceptable related or unrelated donor, and may be derived from bone marrow, circulating blood, or a combination of bone marrow and circulating blood. If chemotherapy is an integral part of the treatment involving bone marrow transplantation, the term "bone marrow transplant" includes both the transplantation and the chemotherapy.

======== T I T L E A M E N D M E N T ========

Between lines 9 and 10, insert:

amending s. 627.4236, F.S.; redefining the term "bone marrow transplant" for purposes of required coverage for certain procedures to include nonablative therapy having life-prolonging intent;

Rep. Benson moved the adoption of the amendment, which was adopted.

Representative(s) Benson offered the following:

(Amendment Bar Code: 605501)

Amendment 3 (with directory and title amendments)—Between lines 82 and 83, insert:

(4)(a) An insurer that issues a health insurance policy shall provide a hospital, physician, or other person rendering services covered by the policy electronic access to the covered person's eligibility and benefits information through a secure Internet website. The eligibility and benefits information shall comply with the transaction standards specified in ANSI ASC X12N 270 for health care claim eligibility inquiries and ANSI ASC X12N 271 for health care claim eligibility responses, or successor transaction standards, pursuant to the Health Insurance Portability and Accountability Act.

(b) An insurer shall develop an implementation plan to comply with paragraph (a) no later than March 31, 2007, and shall make the eligibility and benefits information described in this subsection available through a secure Internet website no later than July 1, 2007.

==== D I R E C T O R Y A M E N D M E N T ====

Remove line 50 and insert:

Section 2. Subsections (3) and (4) are added to section 627.642,

======== T I T L E A M E N D M E N T ========

Remove line 12 and insert:

insureds who have health and accident insurance; requiring certain insurers to provide to certain service providers by an Internet website certain information relating to a covered person; providing criteria; specifying time requirements for such insurers to implement such requirements; amending

Rep. Benson moved the adoption of the amendment, which was adopted.

Representatives Benson, H. Gibson, Baxley, Galvano, Kendrick, Garcia, Negron, Bean, Gannon, Farkas, Harrell, Gottlieb, Kyle, Homan, Murzin, Kreegel, Planas, Llorente, Bendross-Mindingall, Zapata, Mahon, Hays, Ambler, Ross, Mealor, Henriquez, Greenstein, Reagan, Gelber, Brandenburg, Ausley, Justice, Altman, Sobel, McInvale, Troutman, Sands, Richardson, Evers, Sansom, Machek, Goldstein, Glorioso, Dean, and Legg offered the following:

(Amendment Bar Code: 446541)

Amendment 4 (with title amendment)—Between line(s) 116 and 117, insert:

Section 4. Section 627.668, Florida Statutes, is amended to read:

627.668 Optional coverage for mental and nervous disorders required; exception.--

(1) Every insurer, health maintenance organization, and nonprofit hospital and medical service plan corporation transacting group health insurance or providing prepaid health care in this state shall make available to the policyholder as part of the application, for an appropriate additional premium under a group hospital and medical expense-incurred insurance policy, under a group prepaid health care contract, and under a group hospital and medical service plan contract, the benefits or level of benefits specified in subsection (2) for the necessary care and treatment of mental and nervous disorders, as defined in the standard nomenclature of the American Psychiatric Association, subject to the right of the applicant for a group policy or contract to select any alternative benefits or level of benefits as may be offered by the insurer, health maintenance organization, or service plan corporation provided that, if alternate inpatient, outpatient, or partial hospitalization benefits are selected, such benefits shall not be less than the level of benefits required under subsection (2) ~~paragraph (2)(a), paragraph (2)(b), or paragraph (2)(c), respectively~~.

(2) Under group policies or contracts, inpatient hospital benefits, partial hospitalization benefits, and outpatient benefits consisting of durational limits, dollar amounts, deductibles, and coinsurance factors shall not be less favorable than for physical illness generally~~, except that:~~

~~(a) Inpatient benefits may be limited to not less than 30 days per benefit year as defined in the policy or contract. If inpatient hospital benefits are provided beyond 30 days per benefit year, the durational limits, dollar amounts, and coinsurance factors thereto need not be the same as applicable to physical illness generally.~~

~~(b) Outpatient benefits may be limited to $1,000 for consultations with a licensed physician, a psychologist licensed pursuant to chapter 490, a mental health counselor licensed pursuant to chapter 491, a marriage and family therapist licensed pursuant to chapter 491, and a clinical social worker licensed pursuant to chapter 491. If benefits are provided beyond the $1,000 per benefit year, the durational limits, dollar amounts, and coinsurance factors thereof need not be the same as applicable to physical illness generally.~~

~~(c) Partial hospitalization benefits shall be provided under the direction of a licensed physician. For purposes of this part, the term "partial hospitalization services" is defined as those services offered by a program accredited by the Joint Commission on Accreditation of Hospitals (JCAH) or in compliance with equivalent standards. Alcohol rehabilitation programs accredited by the Joint Commission on Accreditation of Hospitals or approved by the state and licensed drug abuse rehabilitation programs shall also be qualified providers under this section. In any benefit year, if partial hospitalization services or a combination of inpatient and partial hospitalization are utilized, the total benefits paid for all such services shall not exceed the cost of 30 days of inpatient hospitalization for psychiatric services, including physician fees, which prevail in the community in which the partial hospitalization services are rendered. If partial hospitalization services benefits are provided beyond the limits set forth in this paragraph, the durational limits, dollar amounts, and coinsurance factors thereof need not be the same as those applicable to physical illness generally~~.

(3) In the case of a group health plan that offers a participant or beneficiary two or more benefit package options under the plan, the requirements of this section shall be applied separately with respect to each such option.

(4)~~(3)~~ Insurers must maintain strict confidentiality regarding psychiatric and psychotherapeutic records submitted to an insurer for the purpose of reviewing a claim for benefits payable under this section. These records submitted to an insurer are subject to the limitations of s. 456.057, relating to the furnishing of patient records.

Section 5. Subsection (2) of section 636.204, Florida Statutes, is amended to read:

636.204 License required.--

(2) An application for a license to operate as a discount medical plan organization must be filed with the office on a form prescribed by the commission. Such application must be sworn to by an officer or authorized

representative of the applicant and be accompanied by the following, if applicable:

(a) A copy of the applicant's articles of incorporation or other organizing documents, including all amendments.

(b) A copy of the applicant's bylaws.

(c) A list of the names, addresses, official positions, and biographical information of the individuals who are responsible for conducting the applicant's affairs, including, but not limited to, all members of the board of directors, board of trustees, executive committee, or other governing board or committee, the officers, contracted management company personnel, and any person or entity owning or having the right to acquire 10 percent or more of the voting securities of the applicant. Such listing must fully disclose the extent and nature of any contracts or arrangements between any individual who is responsible for conducting the applicant's affairs and the discount medical plan organization, including any possible conflicts of interest.

(d) A complete biographical statement, on forms prescribed by the commission, an independent investigation report, and a set of fingerprints, as provided in chapter 624, with respect to each individual identified under paragraph (c).

(e) A statement generally describing the applicant, its facilities and personnel, and the medical services to be offered.

(f) A copy of the form of all contracts made or to be made between the applicant and any providers or provider networks regarding the provision of medical services to members.

(g) A copy of the form of any contract made or arrangement to be made between the applicant and any person listed in paragraph (c).

(h) A copy of the form of any contract made or to be made between the applicant and any person, corporation, partnership, or other entity for the performance on the applicant's behalf of any function, including, but not limited to, marketing, administration, enrollment, investment management, and subcontracting for the provision of health services to members.

~~(i) A copy of the applicant's most recent financial statements audited by an independent certified public accountant. An applicant that is a subsidiary of a parent entity that is publicly traded and that prepares audited financial statements reflecting the consolidated operations of the parent entity and the subsidiary may petition the office to accept, in lieu of the audited financial statement of the applicant, the audited financial statement of the parent entity and a written guaranty by the parent entity that the minimum capital requirements of the applicant required by this part will be met by the parent entity.~~

(i)~~(j)~~ A description of the proposed method of marketing.

(j)~~(k)~~ A description of the subscriber complaint procedures to be established and maintained.

(k)~~(l)~~ The fee for issuance of a license.

(l)~~(m)~~ Such other information as the commission or office may reasonably require to make the determinations required by this part.

Section 6. Subsection (1) of section 636.206, Florida Statutes, is amended to read:

636.206 Examinations and investigations.--

(1) The office may examine or investigate the business and affairs of any discount medical plan organization if the commissioner has reason to believe that the discount medical plan organization is not complying with the requirements of this act. The office may order any discount medical plan organization or applicant to produce any records, books, files, advertising and solicitation materials, or other information and may take statements under oath to determine whether the discount medical plan organization or applicant is in violation of the law or is acting contrary to the public interest. The expenses incurred in conducting any examination or investigation must be paid by the discount medical plan organization or applicant. Examinations and investigations must be conducted as provided in chapter 624.

Section 7. Subsection (1) of section 636.210, Florida Statutes, is amended to read:

636.210 Prohibited activities of a discount medical plan organization.--

(1) A discount medical plan organization may not:

(a) Use in its advertisements, marketing material, brochures, and discount cards the term "insurance" except as otherwise provided in this part or as a disclaimer of any relationship between discount medical plan organization benefits and insurance;

(b) Use in its advertisements, marketing material, brochures, and discount cards the terms "health plan," "coverage," "copay," "copayments," "preexisting conditions," "guaranteed issue," "premium," "PPO," "preferred provider organization," or other terms in a manner that could reasonably mislead a person into believing the discount medical plan was health insurance;

(c) Have restrictions on free access to plan providers, except for hospital services, including, but not limited to, waiting periods and notification periods; or

(d) Pay providers any fees for medical services.

Section 8. Subsections (1), (3), and (4) of section 636.216, Florida Statutes, are amended to read:

636.216 Charge or form filings.--

(1) All charges to members must be filed with the office. ~~and~~ Any charge to members greater than $30 per month or $360 per year for access to healthcare services, other than those provided by physicians licensed under chapters 458 and 459 or by hospitals licensed under chapter 395, must be approved by the office before the charges can be used. Any charge to members greater than $60 dollars per month or $720 per year for healthcare services that include services provided by physicians licensed under chapter 458 and 459 or by hospitals licensed under chapter 395 must be approved by the office before the charges can be used. The discount medical plan organization has the burden of proof that the charges bear a reasonable relation to the benefits received by the member.

(3) All forms used, including the written agreement pursuant to subsection (2), must first be filed with ~~and approved by~~ the office. Every form filed shall be identified by a unique form number placed in the lower left corner of each form.

(4) A charge ~~or form~~ is considered approved on the 60th day after its date of filing unless it has been previously disapproved by the office. ~~The office shall disapprove any form that does not meet the requirements of this part or that is unreasonable, discriminatory, misleading, or unfair.~~ If such filing is ~~filings are~~ disapproved, the office shall notify the discount medical plan organization and shall specify in the notice the reasons for disapproval.

Section 9. Subsection (2) of section 636.218, Florida Statutes, is amended to read:

636.218 Annual reports.--

(2) Such reports must be on forms prescribed by the commission and must include:

~~(a) Audited financial statements prepared in accordance with generally accepted accounting principles certified by an independent certified public accountant, including the organization's balance sheet, income statement, and statement of changes in cash flow for the preceding year. An organization that is a subsidiary of a parent entity that is publicly traded and that prepares audited financial statements reflecting the consolidated operations of the parent entity and the organization may petition the office to accept, in lieu of the audited financial statement of the organization, the audited financial statement of the parent entity and a written guaranty by the parent entity that the minimum capital requirements of the organization required by this part will be met by the parent entity.~~

(a)~~(b)~~ If different from the initial application or the last annual report, a list of the names and residence addresses of all persons responsible for the conduct of the organization's affairs, together with a disclosure of the extent and nature of any contracts or arrangements between such persons and the discount medical plan organization, including any possible conflicts of interest.

(b)~~(c)~~ The number of discount medical plan members in the state.

(c)~~(d)~~ Such other information relating to the performance of the discount medical plan organization as is reasonably required by the commission or office.

Section 10. Subsection (1) of section 636.220, Florida Statutes, is amended to read:

636.220 Minimum capital requirements.--

(1) Each discount medical plan organization must at all times maintain a net worth of at least $150,000 and each discount medical plan organization

shall certify in writing under oath at licensure and annually that the minimum capitalization requirements of this part are satisfied.

Section 11. Section 636.230, Florida Statutes, is repealed.

======== T I T L E A M E N D M E N T ========

Remove line 15 and insert:

under group health insurance policies; amending s. 627.668, F.S.; revising the benefit level for treatment of mental and nervous disorders; amending s. 636.204, F.S.; revising license application provisions for discount medical plan organizations; amending s. 636.206, F.S.; revising examination and investigative authority; amending s. 636.210, F.S.; providing an exception to prohibited activities; amending s. 636.216, F.S.; providing exception to review of certain charges to members of the plan; amending s. 636.218, F.S.; removing certain information from the annual report; amending s. 636.220, F.S.; revising certain minimum capital requirements of discount medical plan organizations; repealing s. 636.230, F.S., relating to the bundling of discount medical plans with other products; amending s. 641.31,

Rep. Benson moved the adoption of the amendment.

Representative(s) Benson, H. Gibson, Baxley, Galvano, Kendrick, Garcia, Negron, and Bean offered the following:

(Amendment Bar Code: 132529)

Substitute Amendment 4 (with title amendment)—Remove line 250 and insert:

Section 11. Effective July 1, 2007, and applicable to any policy issued, written, or renewed on or after such date, section 627.668, Florida Statutes, is amended to read:

627.668 Optional coverage for mental and nervous disorders required; exception.--

(1) Every insurer, health maintenance organization, and nonprofit hospital and medical service plan corporation transacting group health insurance or providing prepaid health care in this state shall make available to the policyholder as part of the application, for an appropriate additional premium under a group hospital and medical expense-incurred insurance policy, under a group prepaid health care contract, and under a group hospital and medical service plan contract, the benefits or level of benefits specified in subsection (2) for the necessary care and treatment of mental and nervous disorders, as defined in the standard nomenclature of the American Psychiatric Association, subject to the right of the applicant for a group policy or contract to select any alternative benefits or level of benefits as may be offered by the insurer, health maintenance organization, or service plan corporation provided that, if alternate inpatient, outpatient, or partial hospitalization benefits are selected, such benefits shall not be less than the level of benefits required under paragraph (2)(a), paragraph (2)(b), or paragraph (2)(c), respectively.

(2) Under group policies or contracts, inpatient hospital benefits, partial hospitalization benefits, and outpatient benefits consisting of durational limits, dollar amounts, deductibles, and coinsurance factors shall not be less favorable than for physical illness generally, except that:

(a) Inpatient benefits may be limited to not less than 30 days per benefit year as defined in the policy or contract. If inpatient hospital benefits are provided beyond 30 days per benefit year, the durational limits, dollar amounts, and coinsurance factors thereto need not be the same as applicable to physical illness generally.

(b) Outpatient benefits may be limited to $1,000 for consultations with a licensed physician, a psychologist licensed pursuant to chapter 490, a mental health counselor licensed pursuant to chapter 491, a marriage and family therapist licensed pursuant to chapter 491, and a clinical social worker licensed pursuant to chapter 491. If benefits are provided beyond the $1,000 per benefit year, the durational limits, dollar amounts, and coinsurance factors thereof need not be the same as applicable to physical illness generally.

(c) Partial hospitalization benefits shall be provided under the direction of a licensed physician. For purposes of this part, the term "partial hospitalization services" is defined as those services offered by a program accredited by the Joint Commission on Accreditation of Hospitals (JCAH) or in compliance with equivalent standards. Alcohol rehabilitation programs accredited by the Joint Commission on Accreditation of Hospitals or approved by the state and licensed drug abuse rehabilitation programs shall also be qualified providers under this section. In any benefit year, if partial hospitalization services or a combination of inpatient and partial hospitalization are utilized, the total benefits paid for all such services shall not exceed the cost of 30 days of inpatient hospitalization for psychiatric services, including physician fees, which prevail in the community in which the partial hospitalization services are rendered. If partial hospitalization services benefits are provided beyond the limits set forth in this paragraph, the durational limits, dollar amounts, and coinsurance factors thereof need not be the same as those applicable to physical illness generally.

(3)(a) Every insurer and health maintenance organization transacting group health insurance or providing prepaid health care in this state shall make available to the policyholder, for an appropriate additional premium, as part of the application for a group hospital and medical expense-incurred insurance policy, a group prepaid health care contract, or a group health maintenance organization contract, coverage for the treatment of serious mental illness, which treatment is determined to be medically necessary.

(b) Under group policies or contracts, inpatient hospital benefits, partial hospitalization benefits, and outpatient benefits, consisting of durational limits, dollar amounts, deductibles, and coinsurance factors, must be the same for serious mental illness as for physical illness generally. Notwithstanding the provisions of this subsection, an insurer or health maintenance organization may limit inpatient coverage to 45 days per year and may limit outpatient coverage to 60 visits per year.

(c) This subsection does not apply to any group health plan, or group health insurance covered in connection with a group health plan, for any plan year of a small employer as defined in s. 627.6699.

(d) As used in this subsection, the term "serious mental illness" means the following psychiatric illnesses as defined by the American Psychiatric Association in the most current edition of the Diagnostic and Statistical Manual: schizophrenia, schizoaffective disorder, panic disorder, bipolar affective disorder, major depressive disorder, and specific obsessive-compulsive disorder.

(e) Notwithstanding any other provisions of this section, chapter 641, s. 627.6471, or s. 627.6472, an insurer or health maintenance organization may require that the covered services required by this section be provided by an exclusive provider of health care, or a group of exclusive providers of health care, which has entered into a written agreement with the insurer or health maintenance organization to provide benefits under this section. The insurer or health maintenance organization may make the payment of such benefits, in whole or in part, contingent upon the use of such exclusive providers.

(f) The insurer or health maintenance organization may directly or indirectly enter into a capitation contract with an exclusive provider of health care or a group of exclusive providers of health care to provide benefits under this section. In providing the benefits under this section, the insurer or health maintenance organization may impose other appropriate financial incentives, peer review, and utilization requirements to reduce service costs and utilization without compromising quality of care.

(g) This subsection does not apply with respect to a group health plan or health insurance coverage offered in connection with a group health plan if the application of this subsection to a plan or coverage results in an increase in the cost under the plan or coverage of more than 2 percent, as determined and certified by an insurer's or health maintenance organization's actuary.

(4)~~(3)~~ Insurers must maintain strict confidentiality regarding psychiatric and psychotherapeutic records submitted to an insurer for the purpose of reviewing a claim for benefits payable under this section. These records submitted to an insurer are subject to the limitations of s. 456.057, relating to the furnishing of patient records.

Section 12. Paragraph (i) of subsection (2) of section 636.204, Florida Statutes, is amended to read:

636.204 License required.--

(2) An application for a license to operate as a discount medical plan organization must be filed with the office on a form prescribed by the commission. Such application must be sworn to by an officer or authorized

representative of the applicant and be accompanied by the following, if applicable:

(i) A copy of the applicant's most recent financial statements audited by an independent certified public accountant. An applicant that is a subsidiary of a parent entity that is publicly traded and that prepares audited financial statements reflecting the consolidated operations of the parent entity and the subsidiary may submit ~~petition the office to accept~~, in lieu of the audited financial statement of the applicant, the audited financial statement of the parent entity and a written guaranty by the parent entity that the minimum capital requirements of the applicant required by this part will be met by the parent entity.

Section 13. Subsection (1) of section 636.206, Florida Statutes, is amended to read:

636.206 Examinations and investigations.--

(1) The office may examine or investigate the business and affairs of any discount medical plan organization if the commissioner has reason to believe that the discount medical plan organization is not complying with the requirements of this act. The office may order any discount medical plan organization or applicant to produce any records, books, files, advertising and solicitation materials, or other information and may take statements under oath to determine whether the discount medical plan organization or applicant is in violation of the law or is acting contrary to the public interest. The expenses incurred in conducting any examination or investigation must be paid by the discount medical plan organization or applicant. Examinations and investigations must be conducted as provided in chapter 624.

Section 14. Subsection (1) of section 636.210, Florida Statutes, is amended to read:

636.210 Prohibited activities of a discount medical plan organization.--

(1) A discount medical plan organization may not:

(a) Use in its advertisements, marketing material, brochures, and discount cards the term "insurance" except as otherwise provided in this part or as a disclaimer of any relationship between discount medical plan organization benefits and insurance;

(b) Use in its advertisements, marketing material, brochures, and discount cards the terms "health plan," "coverage," "copay," "copayments," "preexisting conditions," "guaranteed issue," "premium," "PPO," "preferred provider organization," or other terms in a manner that could reasonably mislead a person into believing the discount medical plan was health insurance;

(c) Have restrictions on free access to plan providers, except for hospital services, including, but not limited to, waiting periods and notification periods; or

(d) Pay providers any fees for medical services.

Section 15. Subsection (1) of section 636.216, Florida Statutes, is amended to read:

636.216 Charge or form filings.--

(1) All charges to members must be filed with the office. ~~and~~ Any charge to members greater than $30 per month or $360 per year for access to healthcare services, other than those provided by physicians licensed under chapters 458 and 459 or by hospitals licensed under chapter 395, must be approved by the office before the charges can be used. Any charge to members greater than $60 dollars per month or $720 per year for healthcare services that include services provided by physicians licensed under chapter 458 and 459 or by hospitals licensed under chapter 395 must be approved by the office before the charges can be used. The discount medical plan organization has the burden of proof that the charges bear a reasonable relation to the benefits received by the member.

Section 16. Subsection (2) of section 636.218, Florida Statutes, is amended to read:

636.218 Annual reports.--

(2) Such reports must be on forms prescribed by the commission and must include:

~~(a) Audited financial statements prepared in accordance with generally accepted accounting principles certified by an independent certified public accountant, including the organization's balance sheet, income statement, and statement of changes in cash flow for the preceding year. An organization that is a subsidiary of a parent entity that is publicly traded and that prepares audited financial statements reflecting the consolidated operations of the parent entity and the organization may petition the office to accept, in lieu of the audited financial statement of the organization, the audited financial statement of the parent entity and a written guaranty by the parent entity that the minimum capital requirements of the organization required by this part will be met by the parent entity.~~

(a)~~(b)~~ If different from the initial application or the last annual report, a list of the names and residence addresses of all persons responsible for the conduct of the organization's affairs, together with a disclosure of the extent and nature of any contracts or arrangements between such persons and the discount medical plan organization, including any possible conflicts of interest.

(b)~~(c)~~ The number of discount medical plan members in the state.

(c)~~(d)~~ Such other information relating to the performance of the discount medical plan organization as is reasonably required by the commission or office.

Section 17. Subsection (1) of section 636.220, Florida Statutes, is amended to read:

636.220 Minimum capital requirements.--

(1) Each discount medical plan organization must at all times maintain a net worth of at least $150,000 and each discount medical plan organization shall certify in writing under oath at licensure and annually that the minimum capitalization requirements of this part are satisfied.

Section 18. Section 636.230, Florida Statutes, is amended to read:

636.230 Bundling discount medical plans with insurance ~~other~~ products.--When a marketer or discount medical plan organization sells a discount medical plan together with any insurance ~~other~~ product, the fees for the discount medical plan must be provided in writing to the member if the fees exceed $30 per month for access to healthcare services other than those provided by physicians licensed under chapter 458 or chapter 459 or by hospitals licensed under chapter 395 or $60 dollars per month for healthcare services which include services provided by physicians licensed under chapter 458 or chapter 459 or by hospitals licensed under chapter 395.

Section 19. Except as otherwise expressly provided in this act, this act shall take effect January 1, 2007,

======== T I T L E A M E N D M E N T ========

Remove line 21, and insert:

amending s. 627.668, F.S.; revising provisions relating to required optional coverage for mental and nervous disorders; providing additional requirements; specifying nonapplication; providing a definition; authorizing insurers and health maintenance organizations to require certain services to be provided by certain exclusive providers; providing for a payment of benefits contingency; authorizing insures and health maintenance organizations to enter into capitation contracts with exclusive providers for certain purposes; specifying nonapplication to certain health plans or health insurance coverages; amending s. 636.204, F.S.; revising a license application provision for discount medical plan organizations relating to submittal of financial statements;; amending s. 636.206, F.S.; revising examination and investigative authority; amending s. 636.210, F.S.; providing an exception to prohibited activities; amending s. 636.216, F.S.; providing provisions relating to office approval of certain charges to members of the plan; amending s. 636.218, F.S.; removing certain information from the annual report; amending s. 636.220, F.S.; revising certain minimum capital requirements of discount medical plan organizations; amending s. 636.230, F.S.; revising provisions relating to the bundling of discount medical plans with insurance products; providing application; providing effective dates.

Rep. Benson moved the adoption of the substitute amendment. Subsequently, **Substitute Amendment 4** was withdrawn.

The question recurred on the adoption of **Amendment 4**, which was withdrawn.

Representative(s) Benson offered the following:

(Amendment Bar Code: 405581)

Amendment 5 (with title amendment)—Between lines 116 and 117, insert:

Section 4. Paragraph (a) of subsection (4) of section 627.6699, Florida Statutes, is amended to read:

627.6699 Employee Health Care Access Act.--

(4) APPLICABILITY AND SCOPE.--

(a)1. This section applies to a health benefit plan that provides coverage to employees of a small employer in this state, unless the coverage is marketed directly to the individual employee, and the employer does not contribute directly or indirectly to the premiums or facilitate the administration of the coverage in any manner. For the purposes of this subparagraph, an employer is not deemed to be contributing to the premiums or facilitating the administration of coverage if the employer:

a. Does not contribute to the premium and merely collects the premiums for coverage from an employee's wages or salary through payroll deduction and submits payment for the premiums of one or more employees in a lump sum to a carrier; or

b. Directly or indirectly establishes or administers a health reimbursement account plan for its employees.

2. A carrier authorized to issue group or individual health benefit plans under this chapter or chapter 641 may offer coverage as described in this paragraph to individual employees without being subject to this section if the employer has not had a group health benefit plan in place in the prior 6 months. A carrier authorized to issue group or individual health benefit plans under this chapter or chapter 641 may offer coverage as described in this subparagraph to employees that are not eligible employees as defined in this section, whether or not the small employer has a group health benefit plan in place. A carrier that offers coverage as described in this subparagraph must provide a cancellation notice to the primary insured at least 10 days prior to canceling the coverage for nonpayment of premium.

======== T I T L E A M E N D M E N T ========

Remove line 15 and insert:

under group health insurance policies; amending s. 627.6699, F.S.; revising a provision relating to applicability and scope of the Employee Health Care Access Act; amending s. 641.31,

Rep. Benson moved the adoption of the amendment, which was adopted.

Representative(s) Benson offered the following:

(Amendment Bar Code: 879163)

Amendment 6 (with directory and title amendments)—Between lines 116 and 117, insert:

(3)(a) An insurer that issues a group health insurance policy shall provide a hospital, physician, or other person rendering services covered by the policy electronic access to the covered person's eligibility and benefits information through a secure Internet website. The eligibility and benefits information shall comply with the transaction standards specified in ANSI ASC X12N 270 for health care claim eligibility inquiries and ANSI ASC X12N 271 for health care claim eligibility responses, or successor transaction standards, pursuant to the Health Insurance Portability and Accountability Act.

(b) An insurer shall develop an implementation plan to comply with paragraph (a) no later than March 31, 2007, and shall make the eligibility and benefits information described in this subsection available through a secure Internet website no later than July 1, 2007.

==== D I R E C T O R Y A M E N D M E N T ====

Remove lines 84 and 85 and insert:

Florida Statutes, is renumbered as subsection (4), and new subsections (2) and (3) are added to that section, to read:

======== T I T L E A M E N D M E N T ========

Remove line 15 and insert:

under group health insurance policies; requiring certain insurers to provide to certain service providers by an Internet website certain information relating to a covered person; providing criteria; specifying time requirements for such insurers to implement such requirements; amending s. 641.31,

Rep. Benson moved the adoption of the amendment, which was adopted.

Representative(s) Garcia offered the following:

(Amendment Bar Code: 199665)

Amendment 7 (with title amendment)—Between lines 116 and 117, insert:

Section 4. Paragraph (i) of subsection (2) of section 636.204, Florida Statutes, is amended to read:

636.204 License required.--

(2) An application for a license to operate as a discount medical plan organization must be filed with the office on a form prescribed by the commission. Such application must be sworn to by an officer or authorized representative of the applicant and be accompanied by the following, if applicable:

(i) A copy of the applicant's most recent financial statements audited by an independent certified public accountant. An applicant that is a subsidiary of a parent entity that is publicly traded and that prepares audited financial statements reflecting the consolidated operations of the parent entity and the subsidiary may submit ~~petition the office to accept~~, in lieu of the audited financial statement of the applicant, the audited financial statement of the parent entity and a written guaranty by the parent entity that the minimum capital requirements of the applicant required by this part will be met by the parent entity.

Section 5. Subsection (1) of section 636.206, Florida Statutes, is amended to read:

636.206 Examinations and investigations.--

(1) The office may examine or investigate the business and affairs of any discount medical plan organization if the commissioner has reason to believe that the discount medical plan organization is not complying with the requirements of this act. The office may order any discount medical plan organization or applicant to produce any records, books, files, advertising and solicitation materials, or other information and may take statements under oath to determine whether the discount medical plan organization or applicant is in violation of the law or is acting contrary to the public interest. The expenses incurred in conducting any examination or investigation must be paid by the discount medical plan organization or applicant. Examinations and investigations must be conducted as provided in chapter 624.

Section 6. Subsection (1) of section 636.210, Florida Statutes, is amended to read:

636.210 Prohibited activities of a discount medical plan organization.--

(1) A discount medical plan organization may not:

(a) Use in its advertisements, marketing material, brochures, and discount cards the term "insurance" except as otherwise provided in this part or as a disclaimer of any relationship between discount medical plan organization benefits and insurance;

(b) Use in its advertisements, marketing material, brochures, and discount cards the terms "health plan," "coverage," "copay," "copayments," "preexisting conditions," "guaranteed issue," "premium," "PPO," "preferred provider organization," or other terms in a manner that could reasonably mislead a person into believing the discount medical plan was health insurance;

(c) Have restrictions on free access to plan providers, except for hospital services, including, but not limited to, waiting periods and notification periods; or

(d) Pay providers any fees for medical services.

Section 7. Subsections (1), (3), and (4) of section 636.216, Florida Statutes, are amended to read:

636.216 Charge or form filings.--

(1) All charges to members must be filed with the office. ~~and~~ Any charge to members greater than $30 per month or $360 per year for access to healthcare services, other than those provided by physicians licensed under chapter 458 or chapter 459 or by hospitals licensed under chapter 395, must be approved

by the office before the charges can be used. Any charge to members greater than $60 dollars per month or $720 per year for healthcare services that include services provided by physicians licensed under chapters 458 and 459 or by hospitals licensed under chapter 395 must be approved by the office before the charges can be used. The discount medical plan organization has the burden of proof that the charges bear a reasonable relation to the benefits received by the member.

(3) All forms used, including the written agreement pursuant to subsection (2), must first be filed with ~~and approved by~~ the office. Every form filed shall be identified by a unique form number placed in the lower left corner of each form.

(4) A charge ~~or form~~ is considered approved on the 60th day after its date of filing unless it has been previously disapproved by the office. ~~The office shall disapprove any form that does not meet the requirements of this part or that is unreasonable, discriminatory, misleading, or unfair.~~ If such filing is ~~filings are~~ disapproved, the office shall notify the discount medical plan organization and shall specify in the notice the reasons for disapproval.

Section 8. Subsection (2) of section 636.218, Florida Statutes, is amended to read:

636.218 Annual reports.--

(2) Such reports must be on forms prescribed by the commission and must include:

~~(a) Audited financial statements prepared in accordance with generally accepted accounting principles certified by an independent certified public accountant, including the organization's balance sheet, income statement, and statement of changes in cash flow for the preceding year. An organization that is a subsidiary of a parent entity that is publicly traded and that prepares audited financial statements reflecting the consolidated operations of the parent entity and the organization may petition the office to accept, in lieu of the audited financial statement of the organization, the audited financial statement of the parent entity and a written guaranty by the parent entity that the minimum capital requirements of the organization required by this part will be met by the parent entity.~~

(a)~~(b)~~ If different from the initial application or the last annual report, a list of the names and residence addresses of all persons responsible for the conduct of the organization's affairs, together with a disclosure of the extent and nature of any contracts or arrangements between such persons and the discount medical plan organization, including any possible conflicts of interest.

(b)~~(c)~~ The number of discount medical plan members in the state.

(c)~~(d)~~ Such other information relating to the performance of the discount medical plan organization as is reasonably required by the commission or office.

Section 9. Subsection (1) of section 636.220, Florida Statutes, is amended to read:

636.220 Minimum capital requirements.--

(1) Each discount medical plan organization must at all times maintain a net worth of at least $150,000 and each discount medical plan organization shall certify in writing under oath at licensure and annually that the minimum capitalization requirements of this part are satisfied.

Section 10. Section 636.232, Florida Statutes, is amended to read:

636.232 Rules.--The commission may adopt rules to administer this part, including rules for the licensing of discount medical plan organizations; ~~establishing standards for evaluating forms,~~ advertisements, marketing materials, brochures, and discount cards; providing for the collection of data; relating to disclosures to plan members; and defining terms used in this part.

Section 11. Section 636.230, Florida Statutes, is repealed.

======== T I T L E A M E N D M E N T ========

Remove line(s) 15 and insert:

under group health insurance policies; amending s. 636.204, F.S.; revising a license application provision for discount medical plan organizations; amending s. 636.206, F.S.; revising examination and investigative authority; amending s. 636.210, F.S.; providing an exception to prohibited activities; amending s. 636.216, F.S.; providing exception to review of certain charges to members of the plan; amending s. 636.218, F.S.; removing certain information from the annual report; amending s. 636.220, F.S.; revising certain minimum capital requirements of discount medical plan organizations; amending s. 636.232, F.S.; revising commission rulemaking authority; repealing s. 636.230, F.S., relating to the bundling of discount medical plans with other products; amending s. 641.31,

Rep. Garcia moved the adoption of the amendment, which was adopted.

Representative(s) Grimsley offered the following:

(Amendment Bar Code: 369533)

Amendment 8 (title amendment)—Between lines 152 and 153, insert:

Section 5. Paragraph (b) of subsection (2) and subsection (6) of section 641.316, Florida Statutes, are amended to read:

641.316 Fiscal intermediary services.--

(2)

(b) The term "fiscal intermediary services organization" means a person or entity that ~~which~~ performs fiduciary or fiscal intermediary services to health care professionals who contract with health maintenance organizations other than ~~a fiscal intermediary services organization owned, operated, or controlled by~~ a hospital licensed under chapter 395, an insurer licensed under chapter 624, a third-party administrator licensed under chapter 626, a prepaid limited health service organization licensed under chapter 636, a health maintenance organization licensed under this chapter, or physician group practices as defined in s. 456.053(3)(h) and providing services under the scope of licenses of the members of the group practice.

(6) Any fiscal intermediary services organization, other than ~~a fiscal intermediary services organization owned, operated, or controlled by~~ a hospital licensed under chapter 395, an insurer licensed under chapter 624, a third-party administrator licensed under chapter 626, a prepaid limited health service organization licensed under chapter 636, a health maintenance organization licensed under this chapter, or physician group practices as defined in s. 456.053(3)(h), and providing services under the scope of licenses of the members of the group practice, must register with the office and meet the requirements of this section. In order to register as a fiscal intermediary services organization, the organization must comply with ss. 641.21(1)(c), ~~and~~ (d), and (j), ~~and~~ 641.22(6), and 641.27. The fiscal intermediary services organization must also comply with the provisions of ss. 641.3155, 641.3156, and 641.51(4). Should the office determine that the fiscal intermediary services organization does not meet the requirements of this section, the registration shall be denied. In the event that the registrant fails to maintain compliance with the provisions of this section, the office may revoke or suspend the registration. In lieu of revocation or suspension of the registration, the office may levy an administrative penalty in accordance with s. 641.25.

======== T I T L E A M E N D M E N T ========

Remove line 18 and insert:

maintenance contract; amending s. 641.316, F.S.; redefining the term "fiscal intermediary services organization"; revising registration requirements for fiscal intermediary services organizations; amending ss. 383.145, 641.185,

Rep. Grimsley moved the adoption of the amendment, which was adopted.

Representative(s) Benson offered the following:

(Amendment Bar Code: 180333)

Amendment 9 (with directory and title amendments)—Remove lines 153-249 and insert:

(6)(a) A health maintenance organization shall provide a hospital, physician, or other person rendering services covered by the policy electronic access to the covered person's eligibility and benefits information through a secure Internet website. The eligibility and benefits information shall comply with the transaction standards specified in ANSI ASC X12N 270 for health care claim eligibility inquiries and ANSI ASC X12N 271 for health care claim eligibility responses, or successor transaction standards, pursuant to the Health Insurance Portability and Accountability Act.

(b) A health maintenance organization shall develop an implementation plan to comply with paragraph (a) no later than March 31, 2007, and shall make the eligibility and benefits information described in this subsection available through a secure Internet website no later than July 1, 2007.

Section 5. Paragraph (j) of subsection (3) of section 383.145, Florida Statutes, is amended to read:

383.145 Newborn and infant hearing screening.--

(3) REQUIREMENTS FOR SCREENING OF NEWBORNS; INSURANCE COVERAGE; REFERRAL FOR ONGOING SERVICES.--

(j) The initial procedure for screening the hearing of the newborn or infant and any medically necessary followup reevaluations leading to diagnosis shall be a covered benefit, reimbursable under Medicaid as an expense compensated supplemental to the per diem rate for Medicaid patients enrolled in MediPass or Medicaid patients covered by a fee for service program. For Medicaid patients enrolled in HMOs, providers shall be reimbursed directly by the Medicaid Program Office at the Medicaid rate. This service may not be considered a covered service for the purposes of establishing the payment rate for Medicaid HMOs. All health insurance policies and health maintenance organizations as provided under ss. 627.6416, 627.6579, and 641.31(32)~~(30)~~, except for supplemental policies that only provide coverage for specific diseases, hospital indemnity, or Medicare supplement, or to the supplemental polices, shall compensate providers for the covered benefit at the contracted rate. Nonhospital-based providers shall be eligible to bill Medicaid for the professional and technical component of each procedure code.

Section 6. Paragraphs (b) and (i) of subsection (1) of section 641.185, Florida Statutes, are amended to read:

641.185 Health maintenance organization subscriber protections.--

(1) With respect to the provisions of this part and part III, the principles expressed in the following statements shall serve as standards to be followed by the commission, the office, the department, and the Agency for Health Care Administration in exercising their powers and duties, in exercising administrative discretion, in administrative interpretations of the law, in enforcing its provisions, and in adopting rules:

(b) A health maintenance organization subscriber should receive quality health care from a broad panel of providers, including referrals, preventive care pursuant to s. 641.402(1), emergency screening and services pursuant to ss. 641.31(14)~~(12)~~ and 641.513, and second opinions pursuant to s. 641.51.

(i) A health maintenance organization subscriber should receive timely and, if necessary, urgent grievances and appeals within the health maintenance organization pursuant to ss. 641.228, 641.31(7)~~(5)~~, 641.47, and 641.511.

Section 7. Subsection (1) of section 641.2018, Florida Statutes, is amended to read:

641.2018 Limited coverage for home health care authorized.--

(1) Notwithstanding other provisions of this chapter, a health maintenance organization may issue a contract that limits coverage to home health care services only. The organization and the contract shall be subject to all of the requirements of this part that do not require or otherwise apply to specific benefits other than home care services. To this extent, all of the requirements of this part apply to any organization or contract that limits coverage to home care services, except the requirements for providing comprehensive health care services as provided in ss. 641.19(4), (11), and (12), and 641.31(1), except ss. 641.31(11)~~(9)~~, (14)~~(12), (17)~~, (18), (19), (20), (21), (23), and (26)~~(24)~~ and 641.31095.

Section 8. Section 641.3107, Florida Statutes, is amended to read:

641.3107 Delivery of contract.--Unless delivered upon execution or issuance, a health maintenance contract, certificate of coverage, or member handbook shall be mailed or delivered to the subscriber or, in the case of a group health maintenance contract, to the employer or other person who will hold the contract on behalf of the subscriber group within 10 working days from approval of the enrollment form by the health maintenance organization or by the effective date of coverage, whichever occurs first. However, if the employer or other person who will hold the contract on behalf of the subscriber group requires retroactive enrollment of a subscriber, the organization shall deliver the contract, certificate, or member handbook to the subscriber within 10 days after receiving notice from the employer of the retroactive enrollment. This section does not apply to the delivery of those contracts specified in s. 641.31(15)~~(13)~~.

Section 9. Paragraph (a) of subsection (7) of section 641.3922, Florida Statutes, is amended to read:

641.3922 Conversion contracts; conditions.--Issuance of a converted contract shall be subject to the following conditions:

(7) REASONS FOR CANCELLATION; TERMINATION.--The converted health maintenance contract must contain a cancellation or nonrenewability clause providing that the health maintenance organization may refuse to renew the contract of any person covered thereunder, but cancellation or nonrenewal must be limited to one or more of the following reasons:

(a) Fraud or intentional misrepresentation, subject to the limitations of s. 641.31(25)~~(23)~~, in applying for any benefits under the converted health maintenance contract.~~:~~

Section 10. Subsection (4) of section 641.513, Florida Statutes, is amended to read:

641.513 Requirements for providing emergency services and care.--

(4) A subscriber may be charged a reasonable copayment, as provided in s. 641.31(14)~~(12)~~, for the use of an emergency room.

==== D I R E C T O R Y A M E N D M E N T ====

Remove lines 118 and 119 and insert:

641.31, Florida Statutes, are renumbered as subsections (7) through (42), respectively, and new subsections (5) and (6) are added to

======== T I T L E A M E N D M E N T ========

Remove line 18 and insert:

maintenance contract; requiring certain health maintenance organizations to provide to certain service providers by an Internet website certain information relating to a covered person; providing criteria; specifying time requirements for such health maintenance organizations to implement such requirements; amending ss. 383.145, 641.185,

Rep. Benson moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 7213—A bill to be entitled An act relating to the Quick Action Closing Fund; amending s. 288.1088, F.S.; providing eligibility criteria for receipt of funds; requiring Enterprise Florida, Inc., to determine eligibility using specified criteria; providing for waiver of eligibility criteria under certain circumstances; requiring the Governor to provide evaluations of certain projects to the President of the Senate and the Speaker of the House of Representatives; providing an appropriation; providing an effective date.

—was read the second time by title.

On motion by Rep. D. Davis, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative D. Davis offered the following:

(Amendment Bar Code: 951113)

Amendment 1—Remove line 68 and insert:

House of Representatives and consult with the President

Rep. D. Davis moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 1503—A bill to be entitled An act relating to the Agency for Persons with Disabilities; amending s. 20.197, F.S.; providing for the director of the Agency for Persons with Disabilities to be subject to confirmation by the Senate; amending s. 39.202, F.S.; providing for certain employees, agents, and contract providers of the agency to have access to records concerning cases of child abuse or neglect for specified purposes; amending s. 39.502,

F.S.; requiring the court to inform certain persons regarding advocacy services provided by the agency; amending s. 287.155, F.S.; authorizing the agency to purchase vehicles under certain circumstances; amending s. 383.14, F.S.; providing for appointment of a representative from the agency, rather than from the Developmental Disabilities Program Office of the Department of Children and Family Services, to be appointed to the Genetics and Newborn Screening Advisory Council; repealing s. 393.061, F.S., relating to a short title; amending s. 393.062, F.S.; revising legislative findings and intent regarding services for individuals with developmental disabilities; conforming terminology; amending s. 393.063, F.S.; providing, revising, and deleting definitions applicable to ch. 393, F.S., relating to developmental disabilities; amending s. 393.064, F.S.; revising the duties of the Agency for Persons with Disabilities with respect to prevention services, evaluations and assessments, intervention services, and support services; amending s. 393.0641, F.S., relating to the program for the prevention and treatment of severe self-injurious behavior; providing a definition; amending s. 393.065, F.S.; deleting an obsolete reference; amending s. 393.0651, F.S.; revising provisions relating to individual and family support plans; deleting a prohibition against assessing certain fees; creating s. 393.0654, F.S.; providing criteria for an exemption from the prohibition on conflicting employment or contractual relationships for direct care providers employed by the agency; amending s. 393.0655, F.S.; providing applicability of provisions relating to dismissal of employees for noncompliance with certain standards established for persons who provide care and services to persons with developmental disabilities; amending s. 393.0657, F.S.; revising an exemption from certain requirements for refingerprinting and rescreening; revising requirements for background screening; deleting obsolete language; amending s. 393.066, F.S.; revising certain requirements for the services provided by the agency; requiring agency approval for purchased services; revising the agency's rulemaking authority; amending s. 393.067, F.S.; revising requirements governing the agency's licensure procedures; specifying that a license from the agency is not a property right; revising the requirements for background screening of applicants for licensure and managers, supervisors, and staff members of service providers; requiring that the agency adopt rules governing the reporting of incidents; deleting certain responsibilities of the Agency for Health Care Administration with respect to the development and review of emergency management plans; deleting certain zoning requirements for alternative living centers and independent living education centers; amending s. 393.0673, F.S.; deleting a requirement that certain fines be deposited into the Resident Protection Trust Fund; requiring that the agency adopt rules for evaluating violations and determining the amount of fines; amending s. 393.0674, F.S.; providing a penalty for failure by a provider to comply with background screening requirements; amending s. 393.0675, F.S.; deleting certain obsolete provisions requiring that a provider be of good moral character; amending s. 393.0678, F.S., relating to receivership proceedings, to delete obsolete language; amending s. 393.068, F.S.; requiring that the family care program emphasize self-determination; revising certain requirements for reimbursing a family care program provider; amending s. 393.0695, F.S.; requiring the agency to reassess in-home subsidies quarterly rather than annually; amending s. 393.075, F.S., relating to liability coverage for facilities licensed by the agency; conforming terminology; amending s. 393.11, F.S.; providing jurisdiction for hearings in cases of involuntary admission of a person with autism to residential services; providing that s. 916.302, F.S., shall control in cases of involuntary commitment of a person with mental retardation or autism who is charged with a felony; deleting provision relating to entities authorized to file a petition for involuntary admission to residential services; providing for agency participation and deleting an obsolete reference; providing for persons with autism to be examined prior to a determination of involuntary admission to residential services; requiring the hearing for involuntary admission to be conducted in the county in which the petition is filed; providing that the competency of a person with mental retardation or autism to stand trial is determined under ch. 916, F.S.; amending s. 393.122, F.S., clarifying requirements governing applications for continued residential services; amending s. 393.125, F.S.; prohibiting a service provider of an applicant or client from acting as that applicant's or client's authorized representatives for purposes of requesting an administrative hearing; amending s. 393.13, F.S., relating to treatment of persons with developmental disabilities; revising the short title; revising legislative intent and terminology; removing requirement that clients be afforded minimum wage protection and fair compensation for labor under certain circumstances; providing the right of clients to be free from the imposition of unnecessary seclusion; requiring the agency to adopt rules for the use of restraints and seclusion; requiring the central record of a client to remain the property of the agency; prescribing duties of agency local area offices with regard to submission of certain reports; revising composition of the resident government of a facility; amending s. 393.135, F.S., relating to sexual misconduct; revising definitions, terminology, applicability, and reporting requirements; clarifying provisions making sexual misconduct a second-degree felony; amending s. 393.15, F.S.; establishing the Community Resources Development Loan Program to provide loans to foster homes, group homes, and supported employment programs; providing legislative intent; providing eligibility requirements; providing authorized uses of loan funds; requiring that the agency adopt rules governing the loan program; providing requirements for repaying loans; requiring certain programs to submit an annual statement containing specified information to the agency; amending s. 393.17, F.S.; authorizing the agency to establish by rule certification programs for providers of client services; requiring that the agency establish a certification program for behavior analysts; requiring that the program be reviewed and validated; creating s. 393.18, F.S.; providing for a comprehensive transitional education program for persons who have severe or moderate maladaptive behaviors; specifying the types of treatment and education centers providing services under the program; providing requirements for licensure; requiring individual education plans for persons receiving services; limiting the number of persons who may receive services in such a program; amending s. 393.501, F.S.; revising the agency's rulemaking authority; providing requirements for rules governing alternative living centers and independent living education centers; providing an exemption from zoning requirements under certain circumstances; amending s. 393.506, F.S.; revising provisions permitting the administration of medication by certain unlicensed staff to persons with developmental disabilities; authorizing certain direct care providers to supervise the self-administration of or administer specified medications under certain circumstances; requiring unlicensed direct care providers to complete a training course; requiring an annual assessment of competency; providing rulemaking authority to the Agency for Health Care Administration; requiring the informed consent of the client; providing a definition; creating s. 393.507, F.S.; authorizing the agency to establish a citizen support organization and provide criteria therefor; providing legislative findings; requiring governance by a board of directors; providing for membership, terms, grounds for removal, and per diem and travel expenses; authorizing the use of certain agency property, facilities, and services by the organization; requiring an operational contract with the agency; specifying contents of the contract; requiring moneys of the organization to be held in a separate account; requiring an annual audit; providing for purpose of the organization; authorizing the appropriation of funds to be used by the organization; amending s. 397.405, F.S.; clarifying an exemption from licensure provided to certain facilities licensed under ch. 393, F.S.; amending s. 400.419, F.S.; requiring that a list of facilities subject to sanctions or fines be disseminated to the agency; amending s. 400.960, F.S.; revising definitions for purpose of part XI of ch. 400, F.S., relating to intermediate care facilities for persons with developmental disabilities; amending ss. 400.963 and 400.964, F.S.; conforming terminology; amending s. 400.967, F.S. relating to rules and classification deficiencies; conforming provisions to the transfer of duties from the Department of Children and Family Services to the agency; amending ss. 402.115, 402.17, 402.181, 402.20, 402.22, and 402.33, F.S.; including the Agency for Persons with Disabilities within provisions governing the sharing of information, claims for the care and maintenance of facility residents, county contracts authorized for certain services and facilities, education programs for students who reside in state facilities, and fees for services; amending s. 409.908, F.S.; revising a reference; deleting obsolete language; amending s. 409.9127, F.S.; conforming reference to changes made by the act; amending ss. 411.224 and 411.232, F.S.; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of

Children and Family Services to the Agency for Persons with Disabilities; correcting a reference; amending ss. 415.102, 415.1035, 415.1055, and 415.107, F.S.; conforming terminology; including the Agency for Persons with Disabilities within provisions providing requirements that a facility inform residents of certain rights, notification requirements for administrative entities, and requirements for maintaining the confidentiality of reports and records; amending s. 419.001, F.S., relating to site selection of community residential homes; revising definitions; conforming terminology; amending s. 435.03, F.S., relating to screening standards; conforming terminology and a cross-reference; amending ss. 490.014 and 491.014, F.S.; deleting references to the developmental services program to conform to changes made by the act; amending s. 916.105, F.S.; revising legislative intent; amending s. 916.106, F.S.; revising definitions; amending s. 916.107, F.S.; revising provisions relating to rights of forensic clients; amending s. 916.1075, F.S.; revising definitions; revising provisions relating to sexual misconduct between an employee and a forensic client; amending s. 916.1081, F.S.; providing a penalty for a forensic client who escapes or attempts to escape from a civil or forensic facility; amending s. 916.1085, F.S.; revising language relating to the unlawful introduction or removal of certain items; conforming a reference; amending ss. 916.1091 and 916.1093 F.S.; conforming language to changes made by the act; amending ss. 916.111 and 916.115, F.S.; revising language relating to the training and appointment of mental health experts; amending ss. 916.12 and 916.3012, F.S.; revising provisions relating to the determination of the mental competence of a defendant in certain proceedings; amending ss. 916.13, 916.15, 916.16, and 916.17, F.S.; revising provisions relating to involuntary commitment of a defendant adjudicated incompetent or not guilty by reason of insanity, jurisdiction of the committing court, and conditional release; amending s. 916.301, F.S.; revising provisions relating to court-ordered evaluations of persons with mental retardation or autism; amending s. 916.302, F.S.; revising provisions relating to involuntary commitment of a defendant determined incompetent to proceed; amending s. 916.3025, F.S.; revising provisions relating to jurisdiction of the committing court; amending s. 916.303, F.S.; revising provisions relating to determination of incompetency due to mental retardation or autism; amending s. 916.304, F.S.; revising provisions relating to conditional release; amending s. 921.137, F.S.; revising provisions relating to the imposition of the death sentence upon a defendant with mental retardation; amending s. 944.602, F.S.; requiring the agency to be notified before the release of an inmate with mental retardation; amending s. 945.025, F.S.; providing for cooperation between the Department of Children and Family Services and the agency for the delivery of services to certain persons under the custody or supervision of the department; deleting obsolete language; amending s. 947.185, F.S.; providing for application for certain services from the agency as a condition of parole for inmates with mental retardation; amending ss. 985.223 and 985.224, F.S.; conforming references to changes made by the act; amending s. 1003.58, F.S.; including facilities operated by the Agency for Persons with Disabilities within provisions governing the residential care of students; amending ss. 17.61, 39.001, 287.057, 381.0072, 400.464, 408.036, 943.0585, 943.059, and 984.22, F.S.; conforming references to changes made by the act; creating s. 394.4592, F.S., relating to seclusion and restraint in behavioral health care; providing legislative findings; providing for applicability; requiring collection of certain data; providing definitions; requiring facilities to conduct assessments of individuals to be admitted to the facility and providing criteria therefor; specifying requirements for the use of restraint and seclusion; providing for development of debriefing procedures after imposition of restraint and seclusion; providing requirements for facility licensing and certification; providing an effective date.

The Health & Families Council recommended the following:

HB 1503 CS—A bill to be entitled An act relating to persons with disabilities; amending s. 20.197, F.S.; requiring the director of the Agency for Persons with Disabilities to be subject to confirmation by the Senate; requiring the agency to create a Division of Budget and Planning and a Division of Operations; authorizing the director to recommend creating additional subdivisions of the agency in order to promote efficient and effective operation of the agency; amending s. 39.001, F.S., relating to the development of a comprehensive state plan for children; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the Agency for Persons with Disabilities; amending s. 39.202, F.S.; providing for certain employees, agents, and contract providers of the agency to have access to records concerning cases of child abuse or neglect for specified purposes; amending s. 39.407, F.S.; deleting provisions authorizing the treatment of a child under ch. 393, F.S., if the child is alleged to be dependent; amending s. 287.155, F.S.; authorizing the agency to purchase vehicles under certain circumstances; amending ss. 381.0072 and 383.14, F.S., relating to food service licenses and the Genetics and Newborn Screening Advisory Council, respectively; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the Agency for Persons with Disabilities; repealing s. 393.061, F.S., relating to a short title; amending s. 393.062, F.S.; revising legislative findings and intent to conform to changes in terminology; amending s. 393.063, F.S.; revising the definitions applicable to ch. 393, F.S., relating to developmental disabilities; amending s. 393.064, F.S.; revising the duties of the Agency for Persons with Disabilities with respect to prevention services, evaluations and assessments, intervention services, and support services; amending s. 393.0641, F.S.; defining the term "severe self-injurious behavior" for purposes of a program of prevention and treatment for individuals exhibiting such behavior; amending s. 393.065, F.S., relating to application for services and the determination of eligibility for services; providing for children in the child welfare system to be placed at the top of the agency's wait list for waiver services; authorizing the agency to adopt rules; amending s. 393.0651, F.S., relating to support plans for families and individuals; revising the age at which support plans are developed for children; deleting a prohibition against assessing certain fees; creating s. 393.0654, F.S.; specifying circumstances under which an employee of the agency may own, operate, or work in a private facility under contract with the agency; amending s. 393.0655, F.S.; revising the screening requirements for direct service providers; providing a temporary exemption from screening requirements for certain providers; amending s. 393.0657, F.S.; revising an exemption from certain requirements for refingerprinting and rescreening; amending s. 393.066, F.S.; revising certain requirements for the services provided by the agency; requiring agency approval for purchased services; revising the agency's rulemaking authority; amending s. 393.067, F.S.; revising requirements governing the agency's licensure procedures; revising the requirements for background screening of applicants for licensure and managers, supervisors, and staff members of service providers; requiring that the agency adopt rules governing the reporting of incidents; deleting certain responsibilities of the Agency for Health Care Administration with respect to the development and review of emergency management plans; amending s. 393.0673, F.S.; providing circumstances under which the agency may deny, revoke, or suspend a license or impose a fine; requiring the Agency for Persons with Disabilities to adopt rules for evaluating violations and determining the amount of fines; amending s. 393.0674, F.S.; providing a penalty for failure by a provider to comply with background screening requirements; amending s. 393.0675, F.S.; deleting certain obsolete provisions requiring that a provider be of good moral character; amending s. 393.0678, F.S.; deleting provisions governing receivership proceedings for an intermediate care facility for the developmentally disabled; amending s. 393.068, F.S.; requiring that the family care program emphasize self-determination; removing supported employment from the list of services available under the family care program; revising certain requirements for reimbursing a family care program provider; amending s. 393.0695, F.S., relating to in-home subsidies; requiring that the Agency for Persons with Disabilities adopt rules for such subsidies; amending s. 393.075, F.S., relating to liability coverage for facilities licensed by the agency; conforming terminology; amending s. 393.11, F.S.; revising provisions governing the involuntary admission of a person to residential services; clarifying provisions governing involuntary commitment; requiring that a person who is charged with a felony will have his or her competency determined under ch. 916, F.S.; conforming terminology; amending s. 393.122, F.S.; clarifying requirements governing applications for continued residential services; amending s. 393.13, F.S., relating to the Bill of Rights of Persons Who are

Developmentally Disabled; deleting a provision protecting minimum wage compensation for certain programs; limiting the use of restraint and seclusion; requiring the agency to adopt rules governing the use of restraint or seclusion; revising requirements for client records; deleting certain requirements governing local advocacy councils; allowing the resident government to include disability advocates from the community; amending s. 393.135, F.S.; revising definitions; clarifying provisions making such misconduct a second-degree felony; amending s. 393.15, F.S.; establishing the Community Resources Development Loan Program to provide loans to foster homes, group homes, and supported employment programs; providing legislative intent; providing eligibility requirements; providing authorized uses of loan funds; requiring that the agency adopt rules governing the loan program; providing requirements for repaying loans; amending s. 393.17, F.S.; authorizing the agency to establish certification programs for persons providing services to clients; requiring that the agency establish a certification program for behavior analysts; requiring that the program be reviewed and validated; creating s. 393.18, F.S.; providing for a comprehensive transition education program for persons who have severe or moderate maladaptive behaviors; specifying the types of treatment and education centers providing services under the program; providing requirements for licensure; requiring individual education plans for persons receiving services; limiting the number of persons who may receive services in such a program; authorizing licensure of certain existing programs; creating s. 393.23, F.S.; requiring that receipts from operating canteens, vending machines, and other like activities in a developmental disabilities institution be deposited in a trust account in a bank, credit union, or savings and loan association; describing how the moneys earned may be expended; allowing for the investment of the funds; requiring that the accounting system at the institution account for the revenues and expenses of the activities; requiring that sales tax moneys be remitted to the Department of Revenue; amending s. 393.501, F.S.; revising the agency's rulemaking authority; providing requirements for rules governing alternative living centers and independent living education centers; amending s. 394.453, F.S.; declaring that the policy of the state is to achieve an ongoing reduction of the use of restraint and seclusion on persons with mental illness who are served by programs and facilities operated, licensed, or monitored by the agency; amending s. 394.455, F.S.; defining the terms "restraint" and "seclusion" for purposes of the Baker Act; amending s. 394.457, F.S.; requiring the Department of Children and Family Services to adopt rules for the use of restraint and seclusion for cases handled under the Baker Act; amending s. 394.879, F.S.; requiring that rules be adopted for the use of restraint and seclusion; amending s. 397.405, F.S.; clarifying an exemption from licensure provided to certain facilities licensed under ch. 393, F.S.; amending s. 400.419, F.S.; requiring that a list of facilities subject to sanctions or fines be disseminated to the Agency for Persons with Disabilities; amending s. 400.960, F.S.; revising definitions for purposes of part XI of ch. 400, F.S., relating to nursing homes and related facilities; amending 400.962, F.S.; requiring an applicant for a license to operate an intermediate care facility to agree to provide or arrange for active treatment services; providing rulemaking authority; amending s. 400.967, F.S., relating to rules and classification of deficiencies; conforming provisions to the transfer of duties from the Department of Children and Family Services to the Agency for Persons with Disabilities; requiring that rules be adopted for the use of restraint and seclusion; amending ss. 402.115, 402.17, 402.181, 402.20, 402.22, and 402.33, F.S.; including the Agency for Persons with Disabilities within provisions governing the sharing of information, claims for the care and maintenance of facility residents, county contracts for services for persons with developmental disabilities, education programs for students who reside in state facilities, and fees for services; conforming provisions to changes made by the act; correcting a cross-reference; amending s. 408.036, F.S., relating to projects that are exempt from obtaining a certificate of need; conforming terminology; amending s. 409.221, F.S., relating to the consumer directed care program; conforming provisions to changes made by the act; amending ss. 409.908 and 409.9127, F.S., relating to the Medicaid program; conforming a cross-reference; deleting obsolete provisions; amending ss. 411.224 and 411.232, F.S.; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the Agency for Persons with Disabilities; amending ss. 415.102, 415.1035, 415.1055, and 415.107, F.S.; conforming terminology; including the Agency for Persons with Disabilities within provisions providing requirements that a facility inform residents of certain rights, notification requirements for administrative entities, and requirements for maintaining the confidentiality of reports and records; amending s. 435.03, F.S., relating to screening standards; conforming terminology and a cross-reference; amending ss. 490.014 and 491.014, F.S., relating to exemptions from licensure for psychologists and certain specified counselors, respectively; conforming provisions to changes made by the act; amending ss. 944.602, 945.025, 947.185, and 985.224, F.S., relating to the Department of Corrections, the Parole Commission, and petitions alleging delinquency; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the Agency for Persons with Disabilities; amending s. 1003.58, F.S.; including facilities operated by the Agency for Persons with Disabilities within provisions governing the residential care of students; amending ss. 17.61 and 400.464, F.S., relating to investment of certain funds and home health services for persons with disabilities, respectively; conforming provisions to changes made by the act; amending s. 744.704, F.S.; correcting a cross-reference; amending s. 984.22, F.S.; removing a provision that specifies fines be deposited into the Community Resources Development Trust Fund; providing for access to and use of electronic and information technology by state employees and members of the public with disabilities; requiring state agencies to procure certain technology resources and to make such resources available to certain individuals; providing exceptions from compliance requirements; requiring the Department of Management Service to adopt rules; providing an effective date.

—was read the second time by title.

Representative(s) Galvano offered the following:

(Amendment Bar Code: 597909)

Amendment 1—Remove line(s) 1991-2005 and insert:

(1) JURISDICTION.--When a person is mentally retarded and requires involuntary admission to residential services provided by the agency, the circuit court of the county in which the person resides shall have jurisdiction to conduct a hearing and enter an order involuntarily admitting the person in order that the person may receive the care, treatment, habilitation, and rehabilitation which the person needs. For the purpose of identifying mental retardation, diagnostic capability shall be established by the agency. Except as otherwise specified, the proceedings under this section shall be governed by the Florida Rules of Civil Procedure.

Rep. Galvano moved the adoption of the amendment, which was adopted.

Representative(s) Galvano offered the following:

(Amendment Bar Code: 562685)

Amendment 2—Remove line(s) 2286 and insert:

order of the court, including the agency, may appeal to the appropriate district court

Rep. Galvano moved the adoption of the amendment, which was adopted.

Representative(s) Llorente offered the following:

(Amendment Bar Code: 420579)

Amendment 3 (with title amendment)—Remove line(s) 4362-4442 and insert:

Section 73. Part III of chapter 282, Florida Statutes, consisting of sections 282.601, 282.602, 282.603, 282.604, 282.605, and 282.606, is created to read:

PART III

ACCESSIBILITY OF INFORMATION AND TECHNOLOGY

282.601 Accessibility of electronic information and information technology.--

(1) In order to improve the accessibility of electronic information and information technology and increase the successful education, employment, access to governmental information and services, and involvement in community life, the executive, legislative, and judicial branches of state government shall, when developing, competitively procuring, maintaining, or using electronic information or information technology acquired on or after July 1, 2006, ensure that state employees with disabilities have access to and are provided with information and data comparable to the access and use by state employees who are not individuals with disabilities, unless an undue burden would be imposed on the agency.

(2) Individuals with disabilities who are members of the public seeking information or services from state agencies that are subject to this part shall be provided with access to and use of information and data comparable to that provided to the public who are not individuals with disabilities, unless an undue burden would be imposed on the agency.

282.602 Definitions.--As used in this part, the term:

(1) "Accessible electronic information and information technology" means electronic information and information technology that conforms to the standards for accessible electronic information and information technology as set forth by s. 508 of the Rehabilitation Act of 1973, as amended, and 29 U.S.C. s. 794(d), including the regulations set forth under 36 C.F.R. part 1194.

(2) "Alternate methods" means a different means of providing information to people with disabilities, including product documentation. The term includes, but is not limited to, voice, facsimile, relay service, TTY, Internet posting, captioning, text-to-speech synthesis, and audio description.

(3) "Electronic information and information technology" includes information technology and any equipment or interconnected system or subsystem of equipment that is used in creating, converting, or duplicating data or information. The term includes, but is not limited to, telecommunications products such as telephones, information kiosks and transaction machines, Internet websites, multimedia systems, and office equipment such as copiers and facsimile machines. The term does not include any equipment that contains embedded information technology that is an integral part of the product if the principal function of the technology is not the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information.

(4) "Information technology" means any equipment or interconnected system or subsystem of equipment that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. The term includes computers, ancillary equipment, software, firmware and similar procedures, services, and support services, and related resources.

(5) "Undue burden" means significant difficulty or expense. In determining whether an action would result in an undue burden, a state agency shall consider all agency resources that are available to the program or component for which the product is being developed, procured, maintained, or used.

(6) "State agency" means any agency of the executive, legislative, or judicial branch of state government.

282.603 Access to electronic and information technology for persons with disabilities; undue burden; limitations.--

(1) Each state agency shall develop, procure, maintain, and use accessible electronic information and information technology acquired on or after July 1, 2006, that conforms to the applicable provisions set forth by s. 508 of the Rehabilitation Act of 1973, as amended, and 29 U.S.C. s. 794(d), including the regulations set forth under 36 C.F.R. part 1194, except when compliance with this section imposes an undue burden; however, in such instance, a state agency must provide individuals with disabilities with the information and data involved by an alternative method of access that allows the individual to use the information and data.

(2) This section does not require a state agency to install specific accessibility-related software or attach an assistive-technology device at a work station of a state employee who is not an individual with a disability.

(3) This section does not require a state agency, when providing the public with access to information or data through electronic information technology, to make products owned by the state agency available for access and use by individuals with disabilities at a location other than the location at which the electronic information and information technology are normally provided to the public. This section does not require a state agency to purchase products for access and use by individuals with disabilities at a location other than at the location where the electronic information and information technology are normally provided to the public.

282.604 Adoption of rules.--The Department of Management Services shall, with input from stakeholders, adopt rules pursuant to ss. 120.536(1) and 120.54 for the development, procurement, maintenance, and use of accessible electronic information technology by governmental units.

282.605 Exceptions.--

(1) This part does not apply to electronic information and information technology of the Department of Military Affairs or the Florida National Guard if the function, operation, or use of the information or technology involves intelligence activities or cryptologic activities related to national security, the command and control of military forces, equipment that is an integral part of a weapon or weapons system, or systems that are critical to the direct fulfillment of military or intelligence missions. Systems that are critical to the direct fulfillment of military or intelligence missions do not include a system that is used for routine administrative and business applications, including, but not limited to, payroll, finance, logistics, and personnel-management applications.

(2) This part does not apply to electronic information and information technology of a state agency if the function, operation, or use of the information or technology involves criminal intelligence activities. Such activities do not include information or technology that is used for routine administrative and business applications, including, but not limited to, payroll, finance, logistics, and personnel-management applications.

(3) This part does not apply to electronic information and information technology that is acquired by a contractor and that is incidental to the contract.

(4) This part applies to competitive solicitations issued or new systems developed by a state agency on or after July 1, 2006.

282.606 Intent.--It is the intent of the Legislature that, in construing this part, due consideration and great weight be given to the interpretations of the federal courts relating to comparable provisions of s. 508 of the Rehabilitation Act of 1973, as amended, and 29 U.S.C. s. 794(d), including the regulations set forth under 36 C.F.R. part 1194, as of July 1, 2006.

======== T I T L E A M E N D M E N T ========

Remove line(s) 224-230 and insert:

Trust Fund; creating part III of ch. 282, F.S.; requiring that the executive, legislative, and judicial branches of state government provide to individuals with disabilities access to and use of information and data that is comparable to the information and data provided to individuals who do not have disabilities; providing certain exceptions; providing definitions; requiring that each state agency use accessible electronic information and information technology that conforms with specified provisions of federal law; providing certain exceptions; requiring the Department of Management Services to adopt rules; providing an exception for electronic information and information technology involving military activities or criminal intelligence activities; specifying that the act applies to competitive solicitations; providing legislative intent; providing

Rep. Llorente moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 1363—A bill to be entitled An act relating to affordable housing; creating the Community Workforce Housing Innovation Program; providing the Florida Housing Finance Corporation with certain powers and responsibilities relating to the program; requiring the program to target certain entities; requiring the program to supplement existing affordable housing programs; providing incentives for program applicants; providing

for funding and conditions for funding; providing requirements for applicants; requiring the corporation to establish a review committee for the application process; requiring the committee to establish certain criteria for applicants; requiring the corporation to develop certain guidelines and rules; authorizing the corporation to foreclose on certain mortgages and security interests or to commence certain legal actions; requiring the corporation to create a down payment assistance program; amending s. 189.4155, F.S.; authorizing special districts to provide housing and housing assistance for their employed personnel; amending s. 191.006, F.S.; authorizing an independent special fire control district to provide housing or housing assistance for its employed personnel; amending s. 193.017, F.S.; providing requirements for using a cap rate for assessing certain affordable housing properties; amending s. 196.1978, F.S.; specifying what constitutes a nonprofit entity for purposes of affordable housing property tax exemption; creating s. 196.1980, F.S.; providing that the actual rental income from certain rent-restricted units be recognized by property appraisers as the rents for assessment purposes; amending s. 201.15, F.S.; revising the distributions of portions of the excise tax on documents to the State Housing Trust Fund and the Local Government Housing Trust Fund for purposes of preserving the rights of holders of affordable housing guarantees; amending s. 420.507, F.S.; revising the rate of interest at which certain mortgage loans must be made available; amending s. 1001.42, F.S.; authorizing district school boards to provide affordable housing for certain teachers and other instructional personnel; providing effective dates.

The State Infrastructure Council recommended the following:

HB 1363 CS—A bill to be entitled An act relating to affordable housing; creating s. 125.379, F.S.; providing for disposition of county property for affordable housing; amending s. 163.31771, F.S., relating to accessory dwelling units; revising legislative findings and definitions; conforming cross-references; amending s. 163.3187, F.S.; revising a limitation relating to small scale comprehensive plan amendments involving the construction of affordable housing units; creating s. 166.0451, F.S.; providing for disposition of municipal property for affordable housing; amending s. 189.4155, F.S.; authorizing independent special districts to provide for housing and housing assistance; amending s. 191.006, F.S.; authorizing independent special fire control districts to provide employee housing and housing assistance; creating s. 193.018, F.S.; creating the Manny Diaz Affordable Housing Property Tax Relief Initiative; providing criteria for assessing just valuation of affordable housing properties serving persons of low, moderate, very-low, and extremely-low incomes; amending s. 196.1978, F.S.; specifying what constitutes a nonprofit entity for purposes of affordable housing property tax exemption; conforming cross-references; amending ss. 212.08, 220.183, and 624.5105, F.S.; increasing the amount of available tax credits against the sales tax, corporate income tax, and insurance premium tax, respectively, for projects under the community contribution tax credit program and providing separate annual limitations for certain projects; revising requirements and procedures for the Office of Tourism, Trade, and Economic Development in granting tax credits under the program; including extremely-low-income persons as eligible recipients of assistance; conforming cross-references; amending s. 253.034, F.S.; providing for the disposition of state lands for affordable housing; amending s. 253.0341, F.S.; authorizing local governments to request state lands be declared surplus for the purpose of affordable housing; providing for use of lands that are declared surplus; amending s. 295.16, F.S.; expanding the disabled veteran exemption from certain license and permit fees relating to dwelling improvements; amending s. 376.30781, F.S; providing tax credits for eligible applicants; amending s. 380.06, F.S.; providing a greater substantial deviation threshold for the provision of affordable housing in a development of regional impact; conforming cross-references; amending s. 380.0651, F.S.; providing a statewide guidelines and standards bonus for the provision of workforce housing; amending s. 420.0004, F.S.; defining the term "extremely-low-income persons"; conforming cross-references; repealing s. 420.37, F.S., relating to additional powers of the Florida Housing Finance Corporation; repealing s. 420.530, F.S., relating to the State Farm Worker Housing Pilot Loan Program; amending s. 420.503, F.S.; revising the definition of the term "farmworker" under the Florida Housing Finance Corporation Act; providing rulemaking authority; amending s. 420.5061, F.S.; conforming a cross-reference; amending s. 420.507, F.S.; revising and expanding the powers of the Florida Housing Finance Corporation relating to mortgage loan interest rates, loans, loan relief, uses of loan funds, subsidiary business entities, and data reporting; providing rulemaking authority; amending s. 420.5087, F.S.; increasing the population criteria for the State Apartment Incentive Loan Program; revising criteria for loans; conforming cross-references; amending s. 420.5088, F.S.; expanding the scope of the Florida Homeownership Assistance Program; revising loan requirements; deleting a provision reserving program funds for certain borrowers; amending s. 420.9071, F.S.; conforming a cross-reference; amending s. 420.9072, F.S.; conforming cross-references; amending s. 420.9075, F.S.; requiring local housing assistance plans to define essential service personnel for the county or eligible municipality and to contain a strategy for the recruitment and retention of such personnel; providing for provision of funds for homeownership for extremely-low-income, very-low-income, or low-income persons; amending s. 420.9076, F.S.; conforming a cross-reference; amending s. 420.9079, F.S.; revising the maximum appropriation the Florida Housing Finance Corporation may request each state fiscal year; conforming a cross-reference; amending s. 1001.43, F.S.; authorizing district school boards to provide affordable housing for teachers and other instructional personnel; amending s. 1013.64, F.S.; prohibiting the use of PECO funds for the construction of affordable housing; authorizing school districts to use local and other funds to fund the construction of affordable housing; creating the Community Workforce Housing Innovation Pilot Program; provides legislative findings; providing definitions; providing the Florida Housing Finance Corporation with certain powers and responsibilities relating to the program; requiring the program to target certain entities; providing application requirements; providing incentives for program applicants; providing rulemaking authority; requires a report to the Governor and Legislature; authorizing local governments to provide density bonus incentives to landowners who donate fee simple interest in real property to the local government for the purpose of assisting the local government in providing affordable housing; providing definitions and requirements governing such donations and density bonuses; requiring the Department of Community Affairs to establish a Home Retrofit Hardening Program and establishing requirements for the program; requiring the Department of Community Affairs to establish a Disaster Recovery Assistance Program and establishing requirements for the program; authorizing the Florida Housing Finance Corporation to provide funds to eligible entities for affordable housing recovery in areas of the state sustaining hurricane damage due to hurricanes during 2004 and 2005; providing legislative findings and emergency rulemaking authority; providing appropriations; providing effective dates.

—was read the second time by title.

Representative M. Davis offered the following:

(Amendment Bar Code: 099179)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 125.379, Florida Statutes, is created to read:

125.379 Disposition of county property for affordable housing.--

(1) By July 1, 2007, and every 3 years thereafter, each county shall prepare an inventory list of all real property within its jurisdiction to which the county holds fee simple title that is appropriate for use as affordable housing. The inventory list must include the address and legal description of each such real property and specify whether the property is vacant or improved. The governing body of the county must review the inventory list at a public hearing and may revise it at the conclusion of the public hearing. The governing body of the county shall adopt a resolution that includes an inventory list of such property following the public hearing.

(2) The properties identified as appropriate for use as affordable housing on the inventory list adopted by the county may be offered for sale and the proceeds used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing, or

may be sold with a restriction that requires the development of the property as permanent affordable housing, or may be donated to a nonprofit housing organization for the construction of permanent affordable housing. Alternatively, the county may otherwise make the property available for use for the production and preservation of permanent affordable housing. For purposes of this section, the term "affordable" has the same meaning as in s. 420.0004(3).

Section 2. Subsections (1) and (4) and paragraphs (b), (d), (e), and (f) of subsection (2) of section 163.31771, Florida Statutes, are amended, and paragraph (g) is added to subsection (2) of that section, to read:

163.31771 Accessory dwelling units.--

(1) The Legislature finds that the median price of homes in this state has increased steadily over the last decade and at a greater rate of increase than the median income in many urban areas. The Legislature finds that the cost of rental housing has also increased steadily and the cost often exceeds an amount that is affordable to extremely-low-income, very-low-income, low-income, or moderate-income persons and has resulted in a critical shortage of affordable rentals in many urban areas in the state. This shortage of affordable rentals constitutes a threat to the health, safety, and welfare of the residents of the state. Therefore, the Legislature finds that it serves an important public purpose to encourage the permitting of accessory dwelling units in single-family residential areas in order to increase the availability of affordable rentals for extremely-low-income, very-low-income, low-income, or moderate-income persons.

(2) As used in this section, the term:

(b) "Affordable rental" means that monthly rent and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for extremely-low-income, very-low-income, low-income, or moderate-income persons.

(d) "Low-income persons" has the same meaning as in s. 420.0004(10)~~(9)~~.

(e) "Moderate-income persons" has the same meaning as in s. 420.0004(11)~~(10)~~.

(f) "Very-low-income persons" has the same meaning as in s. 420.0004(15)~~(14)~~.

(g) "Extremely-low-income persons" has the same meaning as in s. 420.0004(8).

(4) If the local government adopts an ordinance under this section, an application for a building permit to construct an accessory dwelling unit must include an affidavit from the applicant which attests that the unit will be rented at an affordable rate to an extremely-low-income, ~~a~~ very-low-income, low-income, or moderate-income person or persons.

Section 3. Section 163.31772, Florida Statutes, is created to read:

163.31772 Mobile home parks; change in use of land; legislative findings and intent.--

(1) The Legislature finds that:

(a) Mobile home parks provide safe and affordable housing to many residents of this state;

(b) The rising price of real estate in this state is causing significant loss of affordable housing, including mobile home parks;

(c) Some mobile home park residents are being evicted and forced to relocate from their communities due to the change in the use of land from mobile home park rentals to some other use;

(d) The loss of this type of affordable housing is of statewide concern; and

(e) Local governments benefit from the redevelopment of these mobile home parks through increased local and state tax revenues but may not have authority to use all available funding and revenue sources to assist these displaced residents.

(2) It is the intent of the Legislature that local governments and redevelopment agencies assist in the relocation of and the provision of assistance to mobile home owners and are authorized to use all available funding sources to further this intent.

(3) As used in this section, the term:

(a) "Affordable" has the same meaning as provided in s. 420.602.

(b) "Community redevelopment agency" has the same meaning as provided in s. 163.340.

(c) "Local government" means a county or municipality.

(d) "Mobile home park" has the same meaning as provided in s. 723.003.

(4) Any local government or community redevelopment agency having jurisdiction over a mobile home park that is being closed due to a change in the use of land may provide financial assistance to any mobile home resident who is displaced as a result of the change in use and who meets the requirements of subsection (5) to:

(a) Assist the homeowner with the cost of relocating his or her home;

(b) Assist the homeowner in purchasing a new manufactured or mobile home if the home he or she is currently occupying is not capable of being moved to another location; and

(c) Assist the homeowner in relocating to any other adequate and suitable housing.

The financial assistance provided under this subsection to each qualified homeowner shall be made as a supplement to the funds provided to each qualified homeowner under the Florida Mobile Home Relocation Trust Fund.

(5) In order to receive supplemental financial assistance under subsection (4) from the local government or community redevelopment agency, the displaced mobile home owner must qualify as a very-low-income, low-income, or moderate-income person as defined in s. 420.0004.

Notwithstanding any other provision of law, a local government or community redevelopment agency is authorized, for the purposes described in subsection (4), to use revenues derived from sources that include, but need not be limited to, tax increment financing pursuant to s. 163.387, urban infill and redevelopment funds pursuant to s. 163.2523, general revenue funding, housing loan assistance programs, documentary stamp tax revenues derived from the redevelopment of the property which are available to the local government, and impact and permit fees derived from the redevelopment of the property.

(6) A local government shall take action to permit and approve the rezoning of property for development of new mobile home parks for the purpose of providing new homes or affordable housing or for the relocation of mobile home owners who are displaced by a change in the use of land.

(7) Any local government or community redevelopment agency having jurisdiction over a mobile home park providing affordable housing as defined in this section may enter into a development agreement with the owner of the mobile home park to encourage the continued use of the mobile home park for affordable housing by incentives, including, but not limited to:

(a) Awarding transferable development credits to the community. The Department of Community Affairs shall provide technical assistance to local governments in order to promote the transfer of development rights for mobile home park owners who provide affordable housing. The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this paragraph;

(b) Providing tax incentives, such as property tax abatement, for providing affordable housing; and

(c) Providing housing assistance to the mobile home park owner for the difference between the lot rental amount paid by the homeowners and either the lot rental amount charged in comparable mobile home parks that have similar facilities, services, amenities, and management or based upon the rental value of the property being dedicated to affordable housing based upon the property's fair market value. The Department of Community Affairs shall provide technical assistance to local governments in order to promote housing assistance to mobile home park owners who provide affordable housing in urban areas. The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this paragraph.

Any development agreement entered into under this subsection shall have a term that does not exceed 10 years.

Section 4. Paragraph (c) of subsection (1) of section 163.3187, Florida Statutes, is amended to read:

163.3187 Amendment of adopted comprehensive plan.--

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:

(c) Any local government comprehensive plan amendments directly related to proposed small scale development activities may be approved without regard to statutory limits on the frequency of consideration of

amendments to the local comprehensive plan. A small scale development amendment may be adopted only under the following conditions:

1. The proposed amendment involves a use of 10 acres or fewer and:

a. The cumulative annual effect of the acreage for all small scale development amendments adopted by the local government shall not exceed:

(I) A maximum of 120 acres in a local government that contains areas specifically designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e); however, amendments under this paragraph may be applied to no more than 60 acres annually of property outside the designated areas listed in this sub-sub-subparagraph. Amendments adopted pursuant to paragraph (k) shall not be counted toward the acreage limitations for small scale amendments under this paragraph.

(II) A maximum of 80 acres in a local government that does not contain any of the designated areas set forth in sub-sub-subparagraph (I).

(III) A maximum of 120 acres in a county established pursuant to s. 9, Art. VIII of the State Constitution.

b. The proposed amendment does not involve the same property granted a change within the prior 12 months.

c. The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior 12 months.

d. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity.

e. The property that is the subject of the proposed amendment is not located within an area of critical state concern, unless the project subject to the proposed amendment involves the construction of affordable housing units meeting the criteria of s. 420.0004(3), and is located within an area of critical state concern designated by s. 380.0552 or by the Administration Commission pursuant to s. 380.05(1). Such amendment is not subject to the density limitations of sub-subparagraph f., and shall be reviewed by the state land planning agency for consistency with the principles for guiding development applicable to the area of critical state concern where the amendment is located and shall not become effective until a final order is issued under s. 380.05(6).

f. If the proposed amendment involves a residential land use, the residential land use has a density of 10 units or less per acre or the proposed future land use category allows a maximum residential density of the same or less than the maximum residential density allowable under the existing future land use category, except that this limitation does not apply to small scale amendments involving the construction of affordable housing units meeting the criteria of s. 420.0004(3) on property which will be the subject of a land use restriction agreement ~~or extended use agreement recorded in conjunction with the issuance of tax exempt bond financing or an allocation of federal tax credits issued through the Florida Housing Finance Corporation or a local housing finance authority authorized by the Division of Bond Finance of the State Board of Administration~~, or small scale amendments described in sub-sub-subparagraph a.(I) that are designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e).

2.a. A local government that proposes to consider a plan amendment pursuant to this paragraph is not required to comply with the procedures and public notice requirements of s. 163.3184(15)(c) for such plan amendments if the local government complies with the provisions in s. 125.66(4)(a) for a county or in s. 166.041(3)(c) for a municipality. If a request for a plan amendment under this paragraph is initiated by other than the local government, public notice is required.

b. The local government shall send copies of the notice and amendment to the state land planning agency, the regional planning council, and any other person or entity requesting a copy. This information shall also include a statement identifying any property subject to the amendment that is located within a coastal high-hazard area as identified in the local comprehensive plan.

3. Small scale development amendments adopted pursuant to this paragraph require only one public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(7), and are not subject to the requirements of s. 163.3184(3)-(6) unless the local government elects to have them subject to those requirements.

4. If the small scale development amendment involves a site within an area that is designated by the Governor as a rural area of critical economic concern under s. 288.0656(7) for the duration of such designation, the 10-acre limit listed in subparagraph 1. shall be increased by 100 percent to 20 acres. The local government approving the small scale plan amendment shall certify to the Office of Tourism, Trade, and Economic Development that the plan amendment furthers the economic objectives set forth in the executive order issued under s. 288.0656(7), and the property subject to the plan amendment shall undergo public review to ensure that all concurrency requirements and federal, state, and local environmental permit requirements are met.

Section 5. Section 166.0451, Florida Statutes, is created to read:

166.0451 Disposition of municipal property for affordable housing.--

(1) By July 1, 2007, and every 3 years thereafter, each municipality shall prepare an inventory list of all real property within its jurisdiction to which the municipality holds fee simple title that is appropriate for use as affordable housing. The inventory list must include the address and legal description of each such property and specify whether the property is vacant or improved. The governing body of the municipality must review the inventory list at a public hearing and may revise it at the conclusion of the public hearing. Following the public hearing, the governing body of the municipality shall adopt a resolution that includes an inventory list of such property.

(2) The properties identified as appropriate for use as affordable housing on the inventory list adopted by the municipality may be offered for sale and the proceeds may be used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing, or may be sold with a restriction that requires the development of the property as permanent affordable housing, or may be donated to a nonprofit housing organization for the construction of permanent affordable housing. Alternatively, the municipality may otherwise make the property available for use for the production and preservation of permanent affordable housing. For purposes of this section, the term "affordable" has the same meaning as in s. 420.0004(3).

Section 6. Subsections (6) and (7) are added to section 189.4155, Florida Statutes, to read:

189.4155 Activities of special districts; local government comprehensive planning.--

(6) Any independent special district created pursuant to chapter 190 is authorized to provide housing and housing assistance for persons whose total annual household income does not exceed 140 percent of the area median income, adjusted for family size.

(7) Any independent special district created pursuant to special act or general law, including, but not limited to, this chapter and chapter 298, for the purpose of providing urban infrastructure or services is authorized to provide housing and housing assistance for its employed personnel whose total annual household income does not exceed 140 percent of the area median income, adjusted for family size.

Section 7. Subsection (19) is added to section 191.006, Florida Statutes, to read:

191.006 General powers.--The district shall have, and the board may exercise by majority vote, the following powers:

(19) To provide housing and housing assistance for its employed personnel whose total annual household income does not exceed 140 percent of the area median income, adjusted for family size.

Section 8. Section 193.018, Florida Statutes, is created to read:

193.018 The Manny Diaz Affordable Housing Property Tax Relief Initiative.--For the purpose of assessing just valuation of affordable housing properties serving persons with income limits defined as extremely-low, low, moderate, and very-low, as specified in s. 420.0004(8), (10), (11), and (15), the actual rental income from rent-restricted units in such a property shall be considered by the property appraiser for assessment purposes, and a rental

income approach pursuant to s. 193.011(7) may be used for assessment of the following affordable housing properties:

(1) Property that is funded by the United States Department of Housing and Urban Development under s. 8 of the United States Housing Act of 1937 that is used to provide affordable housing serving eligible persons as defined by s. 159.603(7) and elderly persons, extremely-low-income persons, and very-low-income persons as defined by s. 420.0004(7), (8), and (15) and that has undergone financial restructuring as provided in s. 501, Title V, Subtitle A of the Multifamily Assisted Housing Reform and Affordability Act of 1997;

(2) Multifamily, farmworker, or elderly rental properties that are funded by the Florida Housing Finance Corporation under ss. 420.5087 and 420.5089 and the State Housing Initiatives Partnership Program under ss. 420.9072 and 420.9075, s. 42 of the Internal Revenue Code, 26 U.S.C. s. 42; the HOME Investment Partnership Program under the Cranston-Gonzalez National Affordable Housing Act, 42 U.S.C. ss. 12741 et seq.; or the Federal Home Loan Banks' Affordable Housing Program established pursuant to the Financial Institutions Reform, Recovery and Enforcement Act of 1989, Pub. L. No. 101-73; or

(3) Multifamily residential rental properties of 10 or more units that are deed restricted as affordable housing and certified by the local housing agency as having at least 95 percent of its units providing affordable housing to extremely-low-income persons, very-low-income persons, low-income persons, and moderate-income persons as defined by s. 420.0004(8), (15), (10), and (11).

Section 9. Section 196.1978, Florida Statutes, is amended to read:

196.1978 Affordable housing property exemption.--

(1) Property used to provide affordable housing serving eligible persons as defined by s. 159.603(7) and persons meeting income limits specified in s. 420.0004(8), (10)~~(9)~~, (11)~~(10)~~, and (15)~~(14)~~, which property is owned entirely by a nonprofit entity which is qualified as charitable under s. 501(c)(3) of the Internal Revenue Code and which complies with Rev. Proc. 96-32, 1996-1 C.B. 717, shall be considered property owned by an exempt entity and used for a charitable purpose, and those portions of the affordable housing property which provide housing to individuals with incomes as defined in s. 420.0004(8), (10), ~~(9)~~ and (15)~~(14)~~ shall be exempt from ad valorem taxation to the extent authorized in s. 196.196.

(2) For the purposes of this section, ownership entirely by a nonprofit entity is classified as ownership by either:

(a) A corporation not for profit; or

(b) A Florida limited partnership the sole general partner of which is either a corporation not for profit or a Florida limited liability company or corporation the sole member or shareholder, respectively, of which is a corporation not for profit.

(3) All property owned by a nonprofit entity identified in this section shall comply with the criteria for determination of exempt status to be applied by property appraisers on an annual basis as defined in s. 196.195. In order to qualify for exempt status, the nonprofit entity must affirmatively demonstrate to the property appraiser that no part of the subject property, or the sale, lease, or other disposition of the assets of the property, will inure to the benefit of its member, officers, limited liability partners, or any person or firm operating for profit or for a nonexempt purpose. The Legislature intends that any property owned by a limited liability company which is disregarded as an entity for federal income tax purposes pursuant to Treasury Regulation 301.7701-3(b)(1)(ii) shall be treated as owned by its sole member.

Section 10. Paragraphs (o) and (q) of subsection (5) of section 212.08, Florida Statutes, are amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.--The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.--

(o) Building materials in redevelopment projects.--

1. As used in this paragraph, the term:

a. "Building materials" means tangible personal property that becomes a component part of a housing project or a mixed-use project.

b. "Housing project" means the conversion of an existing manufacturing or industrial building to housing units in an urban high-crime area, enterprise zone, empowerment zone, Front Porch Community, designated brownfield area, or urban infill area and in which the developer agrees to set aside at least 20 percent of the housing units in the project for extremely-low-income, very-low-income, low-income, and moderate-income persons or the construction in a designated brownfield area of affordable housing for persons described in s. 420.0004(8)~~(9)~~, (10), (11), or (15)~~(14)~~, or in s. 159.603(7).

c. "Mixed-use project" means the conversion of an existing manufacturing or industrial building to mixed-use units that include artists' studios, art and entertainment services, or other compatible uses. A mixed-use project must be located in an urban high-crime area, enterprise zone, empowerment zone, Front Porch Community, designated brownfield area, or urban infill area, and the developer must agree to set aside at least 20 percent of the square footage of the project for low-income and moderate-income housing.

d. "Substantially completed" has the same meaning as provided in s. 192.042(1).

2. Building materials used in the construction of a housing project or mixed-use project are exempt from the tax imposed by this chapter upon an affirmative showing to the satisfaction of the department that the requirements of this paragraph have been met. This exemption inures to the owner through a refund of previously paid taxes. To receive this refund, the owner must file an application under oath with the department which includes:

a. The name and address of the owner.

b. The address and assessment roll parcel number of the project for which a refund is sought.

c. A copy of the building permit issued for the project.

d. A certification by the local building code inspector that the project is substantially completed.

e. A sworn statement, under penalty of perjury, from the general contractor licensed in this state with whom the owner contracted to construct the project, which statement lists the building materials used in the construction of the project and the actual cost thereof, and the amount of sales tax paid on these materials. If a general contractor was not used, the owner shall provide this information in a sworn statement, under penalty of perjury. Copies of invoices evidencing payment of sales tax must be attached to the sworn statement.

3. An application for a refund under this paragraph must be submitted to the department within 6 months after the date the project is deemed to be substantially completed by the local building code inspector. Within 30 working days after receipt of the application, the department shall determine if it meets the requirements of this paragraph. A refund approved pursuant to this paragraph shall be made within 30 days after formal approval of the application by the department. The provisions of s. 212.095 do not apply to any refund application made under this paragraph.

4. The department shall establish by rule an application form and criteria for establishing eligibility for exemption under this paragraph.

5. The exemption shall apply to purchases of materials on or after July 1, 2000.

(q) Community contribution tax credit for donations.--

1. Authorization.--~~Beginning July 1, 2001,~~ Persons who are registered with the department under s. 212.18 to collect or remit sales or use tax and who make donations to eligible sponsors are eligible for tax credits against their state sales and use tax liabilities as provided in this paragraph:

a. The credit shall be computed as 50 percent of the person's approved annual community contribution.;

b. The credit shall be granted as a refund against state sales and use taxes reported on returns and remitted in the 12 months preceding the date of application to the department for the credit as required in sub-subparagraph 3.c. If the annual credit is not fully used through such refund because of insufficient tax payments during the applicable 12-month period, the unused amount may be included in an application for a refund made pursuant to sub-subparagraph 3.c. in subsequent years against the total tax payments made for such year. Carryover credits may be applied for a 3-year period without regard to any time limitation that would otherwise apply under s. 215.26.;

c. A person may not receive more than $200,000 in annual tax credits for all approved community contributions made in any one year.;

d. All proposals for the granting of the tax credit require the prior approval of the Office of Tourism, Trade, and Economic Development.~~;~~

e. The total amount of tax credits which may be granted for all programs approved under this paragraph, s. 220.183, and s. 624.5105 is $10 ~~$12~~ million annually for projects that provide homeownership opportunities for extremely-low-income persons, as defined in s. 420.0004(8), or low-income or very-low-income persons, as defined in s. 420.9071(19) and (28), and $3 million annually for all other projects.~~; and~~

f. A person who is eligible to receive the credit provided for in this paragraph, s. 220.183, or s. 624.5105 may receive the credit only under the one section of the person's choice.

2. Eligibility requirements.--

a. A community contribution by a person must be in the following form:

(I) Cash or other liquid assets;

(II) Real property;

(III) Goods or inventory; or

(IV) Other physical resources as identified by the Office of Tourism, Trade, and Economic Development.

b. All community contributions must be reserved exclusively for use in a project. As used in this sub-subparagraph, the term "project" means any activity undertaken by an eligible sponsor which is designed to construct, improve, or substantially rehabilitate housing that is affordable to extremely-low-income persons, as defined in s. 420.0004(8), or low-income or very-low-income households, as defined in s. 420.9071(19) and (28); designed to provide commercial, industrial, or public resources and facilities; or designed to improve entrepreneurial and job-development opportunities for low-income persons. A project may be the investment necessary to increase access to high-speed broadband capability in rural communities with enterprise zones, including projects that result in improvements to communications assets that are owned by a business. A project may include the provision of museum educational programs and materials that are directly related to any project approved between January 1, 1996, and December 31, 1999, and located in an enterprise zone designated pursuant to s. 290.0065. This paragraph does not preclude projects that propose to construct or rehabilitate housing for extremely-low-income, low-income or very-low-income households on scattered sites. With respect to housing, contributions may be used to pay the following eligible extremely-low-income, low-income and very-low-income housing-related activities:

(I) Project development impact and management fees for extremely-low-income, low-income, or very-low-income housing projects;

(II) Down payment and closing costs for eligible persons, as defined in ss. ~~s.~~ 420.9071(19) and (28) and 420.0004(8);

(III) Administrative costs, including housing counseling and marketing fees, not to exceed 10 percent of the community contribution, directly related to extremely-low-income, low-income, or very-low-income projects; and

(IV) Removal of liens recorded against residential property by municipal, county, or special district local governments when satisfaction of the lien is a necessary precedent to the transfer of the property to an eligible person, as defined in ss. ~~s.~~ 420.9071(19) and (28) and 420.0004(8), for the purpose of promoting home ownership. Contributions for lien removal must be received from a nonrelated third party.

c. The project must be undertaken by an "eligible sponsor," which includes:

(I) A community action program;

(II) A nonprofit community-based development organization whose mission is the provision of housing for extremely-low-income, low-income, or very-low-income households or increasing entrepreneurial and job-development opportunities for low-income persons;

(III) A neighborhood housing services corporation;

(IV) A local housing authority created under chapter 421;

(V) A community redevelopment agency created under s. 163.356;

(VI) The Florida Industrial Development Corporation;

(VII) A historic preservation district agency or organization;

(VIII) A regional workforce board;

(IX) A direct-support organization as provided in s. 1009.983;

(X) An enterprise zone development agency created under s. 290.0056;

(XI) A community-based organization incorporated under chapter 617 which is recognized as educational, charitable, or scientific pursuant to s. 501(c)(3) of the Internal Revenue Code and whose bylaws and articles of incorporation include affordable housing, economic development~~,~~ or community development as the primary mission of the corporation;

(XII) Units of local government;

(XIII) Units of state government; or

(XIV) Any other agency that the Office of Tourism, Trade, and Economic Development designates by rule.

In no event may a contributing person have a financial interest in the eligible sponsor.

d. The project must be located in an area designated an enterprise zone or a Front Porch Florida Community pursuant to s. 20.18(6), unless the project increases access to high-speed broadband capability for rural communities with enterprise zones but is physically located outside the designated rural zone boundaries. Any project designed to construct or rehabilitate housing for low-income, ~~or~~ very-low-income, or extremely-low-income households as defined in ss. ~~s.~~ 420.0971(19) and (28) and 420.0004(8) is exempt from the area requirement of this sub-subparagraph.

e.(I) ~~For the first 6 months of the fiscal year, the Office of Tourism, Trade, and Economic Development shall reserve 80 percent of the first $10 million in available annual tax credits and 70 percent of any available annual tax credits in excess of $10 million for donations made to eligible sponsors for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28). If any such reserved annual tax credits remain after the first 6 months of the fiscal year, the office may approve the balance of these available credits for donations made to eligible sponsors for projects other than those that provide homeownership opportunities for low-income or very-low-income households.~~

~~(II) For the first 6 months of the fiscal year, the office shall reserve 20 percent of the first $10 million in available annual tax credits and 30 percent of any available annual tax credits in excess of $10 million for donations made to eligible sponsors for projects other than those that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28). If any reserved annual tax credits remain after the first 6 months of the fiscal year, the office may approve the balance of these available credits for donations made to eligible sponsors for projects that provide homeownership opportunities for low-income or very-low-income households.~~

~~(III)~~ If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for extremely-low-income persons, as defined in s. 420.0004(8), or low-income or very-low-income persons, as defined in s. 420.9071(19) and (28), are received for less than the ~~available~~ annual tax credits available for those projects ~~reserved under sub-sub-subparagraph (I)~~, the office shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the ~~first 6 months of the~~ state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for extremely-low-income persons, as defined in s. 420.0004(8), or low-income or very-low-income persons, as defined in s. 420.9071(19) and (28), are received for more than the ~~available~~ annual tax credits available for those projects ~~reserved under sub-sub-subparagraph (I)~~, the office shall grant the tax credits for those ~~the~~ applications as follows:

(A) If tax credit applications submitted for approved projects of an eligible sponsor do not exceed $200,000 in total, the credits shall be granted in full if the tax credit applications are approved~~, subject to sub-sub-subparagraph (I)~~.

(B) If tax credit applications submitted for approved projects of an eligible sponsor exceed $200,000 in total, the amount of tax credits granted pursuant to sub-sub-sub-subparagraph (A) shall be subtracted from the amount of available tax credits ~~under sub-sub-subparagraph (I)~~, and the remaining credits shall be granted to each approved tax credit application on a pro rata basis.

~~(C) If, after the first 6 months of the fiscal year, additional credits become available under sub-sub-subparagraph (II), the office shall grant the tax credits~~

~~by first granting to those who received a pro rata reduction up to the full amount of their request and, if there are remaining credits, granting credits to those who applied on or after the 11th business day of the state fiscal year on a first-come, first-served basis.~~

(II)~~(IV)~~ If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide homeownership opportunities for extremely-low-income persons, as defined in s. 420.0004(8), or low-income or very-low-income persons, as defined in s. 420.9071(19) and (28), are received for less than the ~~available~~ annual tax credits available for those projects ~~reserved under sub-sub-subparagraph (II)~~, the office shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of ~~the first 6 months of~~ the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide homeownership opportunities for extremely-low-income persons, as defined in s. 420.0004(8), or low-income or very-low-income persons, as defined in s. 420.9071(19) and (28), are received for more than the ~~available~~ annual tax credits available for those projects ~~reserved under sub-sub-subparagraph (II)~~, the office shall grant the tax credits for those ~~the~~ applications on a pro rata basis. ~~If, after the first 6 months of the fiscal year, additional credits become available under sub-sub-subparagraph (I), the office shall grant the tax credits by first granting to those who received a pro rata reduction up to the full amount of their request and, if there are remaining credits, granting credits to those who applied on or after the 11th business day of the state fiscal year on a first-come, first-served basis.~~

3. Application requirements.--

a. Any eligible sponsor seeking to participate in this program must submit a proposal to the Office of Tourism, Trade, and Economic Development which sets forth the name of the sponsor, a description of the project, and the area in which the project is located, together with such supporting information as is prescribed by rule. The proposal must also contain a resolution from the local governmental unit in which the project is located certifying that the project is consistent with local plans and regulations.

b. Any person seeking to participate in this program must submit an application for tax credit to the office ~~of Tourism, Trade, and Economic Development~~ which sets forth the name of the sponsor, a description of the project, and the type, value, and purpose of the contribution. The sponsor shall verify the terms of the application and indicate its receipt of the contribution, which verification must be in writing and accompany the application for tax credit. The person must submit a separate tax credit application to the office for each individual contribution that it makes to each individual project.

c. Any person who has received notification from the office ~~of Tourism, Trade, and Economic Development~~ that a tax credit has been approved must apply to the department to receive the refund. Application must be made on the form prescribed for claiming refunds of sales and use taxes and be accompanied by a copy of the notification. A person may submit only one application for refund to the department within any 12-month period.

4. Administration.--

a. The Office of Tourism, Trade, and Economic Development may adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to administer this paragraph, including rules for the approval or disapproval of proposals by a person.

b. The decision of the office ~~of Tourism, Trade, and Economic Development~~ must be in writing, and, if approved, the notification shall state the maximum credit allowable to the person. Upon approval, the office shall transmit a copy of the decision to the Department of Revenue.

c. The office ~~of Tourism, Trade, and Economic Development~~ shall periodically monitor all projects in a manner consistent with available resources to ensure that resources are used in accordance with this paragraph; however, each project must be reviewed at least once every 2 years.

d. The office ~~of Tourism, Trade, and Economic Development~~ shall, in consultation with the Department of Community Affairs~~, the Florida Housing Finance Corporation,~~ and the statewide and regional housing and financial intermediaries, market the availability of the community contribution tax credit program to community-based organizations.

5. Expiration.--This paragraph expires June 30, 2015; however, any accrued credit carryover that is unused on that date may be used until the expiration of the 3-year carryover period for such credit.

Section 11. Paragraph (c) of subsection (1) and paragraph (b) of subsection (2) of section 220.183, Florida Statutes, are amended to read:

220.183 Community contribution tax credit.--

(1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM SPENDING.--

(c) The total amount of tax credit which may be granted for all programs approved under this section, s. 212.08(5)(q), and s. 624.5105 is $10 ~~$12~~ million annually for projects that provide homeownership opportunities for extremely-low-income persons, as defined in s. 420.0004(8), or low-income or very-low-income persons, as defined in s. 420.9071(19) and (28), and $3 million annually for all other projects.

(2) ELIGIBILITY REQUIREMENTS.--

(b)1. All community contributions must be reserved exclusively for use in projects as defined in s. 220.03(1)(t).

~~2. For the first 6 months of the fiscal year, the Office of Tourism, Trade, and Economic Development shall reserve 80 percent of the first $10 million in available annual tax credits, and 70 percent of any available annual tax credits in excess of $10 million, for donations made to eligible sponsors for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28). If any reserved annual tax credits remain after the first 6 months of the fiscal year, the office may approve the balance of these available credits for donations made to eligible sponsors for projects other than those that provide homeownership opportunities for low-income or very-low-income households.~~

~~3. For the first 6 months of the fiscal year, the office shall reserve 20 percent of the first $10 million in available annual tax credits, and 30 percent of any available annual tax credits in excess of $10 million, for donations made to eligible sponsors for projects other than those that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28). If any reserved annual tax credits remain after the first 6 months of the fiscal year, the office may approve the balance of these available credits for donations made to eligible sponsors for projects that provide homeownership opportunities for low-income or very-low-income households.~~

2.~~4.~~ If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for extremely-low-income persons, as defined in s. 420.0004(8), or low-income or very-low-income persons, as defined in s. 420.9071(19) and (28), are received for less than the ~~available~~ annual tax credits available for those projects ~~reserved under subparagraph 2.~~, the office shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the ~~first 6 months of the~~ state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for extremely-low-income persons, as defined in s. 420.0004(8), or low-income or very-low-income persons, as defined in s. 420.9071(19) and (28), are received for more than the ~~available~~ annual tax credits available for those projects ~~reserved under subparagraph 2.~~, the office shall grant the tax credits for those ~~such~~ applications as follows:

a. If tax credit applications submitted for approved projects of an eligible sponsor do not exceed $200,000 in total, the credit shall be granted in full if the tax credit applications are approved~~, subject to the provisions of subparagraph 2~~.

b. If tax credit applications submitted for approved projects of an eligible sponsor exceed $200,000 in total, the amount of tax credits granted under sub-subparagraph a. shall be subtracted from the amount of available tax credits ~~under subparagraph 2.~~, and the remaining credits shall be granted to each approved tax credit application on a pro rata basis.

~~c. If, after the first 6 months of the fiscal year, additional credits become available pursuant to subparagraph 3., the office shall grant the tax credits by first granting to those who received a pro rata reduction up to the full amount of their request and, if there are remaining credits, granting credits to those~~

~~who applied on or after the 11th business day of the state fiscal year on a first-come, first-served basis.~~

3.~~5.~~ If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide homeownership opportunities for extremely-low-income persons, as defined in s. 420.0004(8), or low-income or very-low-income persons, as defined in s. 420.9071(19) and (28), are received for less than the ~~available~~ annual tax credits available for those projects ~~reserved under subparagraph 3.~~, the office shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the ~~first 6 months of the~~ state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide homeownership opportunities for extremely-low-income persons, as defined in s. 420.0004(8), or low-income or very-low-income persons, as defined in s. 420.9071(19) and (28), are received for more than the ~~available~~ annual tax credits available for those projects ~~reserved under subparagraph 3.~~, the office shall grant the tax credits for those ~~such~~ applications on a pro rata basis. ~~If, after the first 6 months of the fiscal year, additional credits become available under subparagraph 2., the office shall grant the tax credits by first granting to those who received a pro rata reduction up to the full amount of their request and, if there are remaining credits, granting credits to those who applied on or after the 11th business day of the state fiscal year on a first-come, first-served basis.~~

Section 12. Paragraph (f) of subsection (6) of section 253.034, Florida Statutes, is amended to read:

253.034 State-owned lands; uses.--

(6) The Board of Trustees of the Internal Improvement Trust Fund shall determine which lands, the title to which is vested in the board, may be surplused. For conservation lands, the board shall make a determination that the lands are no longer needed for conservation purposes and may dispose of them by an affirmative vote of at least three members. In the case of a land exchange involving the disposition of conservation lands, the board must determine by an affirmative vote of at least three members that the exchange will result in a net positive conservation benefit. For all other lands, the board shall make a determination that the lands are no longer needed and may dispose of them by an affirmative vote of at least three members.

(f)1. In reviewing lands owned by the board, the council shall consider whether such lands would be more appropriately owned or managed by the county or other unit of local government in which the land is located. The council shall recommend to the board whether a sale, lease, or other conveyance to a local government would be in the best interests of the state and local government. The provisions of this paragraph in no way limit the provisions of ss. 253.111 and 253.115. Such lands shall be offered to the state, county, or local government for a period of 30 days. Permittable uses for such surplus lands may include public schools; public libraries; fire or law enforcement substations; ~~and~~ governmental, judicial, or recreational centers; and affordable housing meeting the criteria of s. 420.0004(3). County or local government requests for surplus lands shall be expedited throughout the surplusing process. If the county or local government does not elect to purchase such lands in accordance with s. 253.111, then any surplusing determination involving other governmental agencies shall be made upon the board deciding the best public use of the lands. Surplus properties in which governmental agencies have expressed no interest shall then be available for sale on the private market.

2. Notwithstanding subparagraph 1., any surplus lands that were acquired by the state prior to 1958 by a gift or other conveyance for no consideration from a municipality, and which the department has filed by July 1, 2006, a notice of its intent to surplus, shall be first offered for reconveyance to such municipality at no cost, but for the fair market value of any building or other improvements to the land, unless otherwise provided in a deed restriction of record. This subparagraph expires July 1, 2006.

Section 13. Section 253.0341, Florida Statutes, is amended to read:

253.0341 Surplus of state-owned lands to counties or local governments.--Counties and local governments may submit surplusing requests for state-owned lands directly to the board of trustees. County or local government requests for the state to surplus conservation or nonconservation lands, whether for purchase or exchange, shall be expedited throughout the surplusing process. Property jointly acquired by the state and other entities shall not be surplused without the consent of all joint owners.

(1) The decision to surplus state-owned nonconservation lands may be made by the board without a review of, or a recommendation on, the request from the Acquisition and Restoration Council or the Division of State Lands. Such requests for nonconservation lands shall be considered by the board within 60 days of the board's receipt of the request.

(2) County or local government requests for the surplusing of state-owned conservation lands are subject to review of, and recommendation on, the request to the board by the Acquisition and Restoration Council. Requests to surplus conservation lands shall be considered by the board within 120 days of the board's receipt of the request.

(3) A local government may request that state lands be specifically declared surplus lands for the purpose of providing affordable housing. The request shall comply with the requirements of subsection (1) if the lands are nonconservation lands or subsection (2) if the lands are conservation lands. Surplus lands that are conveyed to a local government for affordable housing shall be disposed of by the local government under the provisions of s. 125.379 or s. 166.0451.

Section 14. Section 295.16, Florida Statutes, is amended to read:

295.16 Disabled veterans exempt from certain license or permit fee.--No totally and permanently disabled veteran who is a resident of Florida and honorably discharged from the Armed Forces, who has been issued a valid identification card by the Department of Veterans' Affairs in accordance with s. 295.17 or has been determined by the United States Department of Veterans Affairs or its predecessor to have a service-connected 100-percent disability rating for compensation, or who has been determined to have a service-connected disability rating of 100 percent and is in receipt of disability retirement pay from any branch of the uniformed armed services, shall be required to pay any license or permit fee, by whatever name known, to any county or municipality in order to make improvements upon a dwelling ~~mobile home~~ owned by the veteran which is used as the veteran's residence, provided such improvements are limited to ramps, widening of doors, and similar improvements for the purpose of making the dwelling ~~mobile home~~ habitable for veterans confined to wheelchairs.

Section 15. Subsection (13) is added to section 376.30781, Florida Statutes, to read:

376.30781 Partial tax credits for rehabilitation of drycleaning-solvent-contaminated sites and brownfield sites in designated brownfield areas; application process; rulemaking authority; revocation authority.--

(13) An applicant that provides affordable housing meeting the criteria of s. 420.0004(3) shall be considered eligible for funding under this section if the applicant can certify that it is a corporate affiliate or a subsidiary of a corporate parent, that it has an agreement with the party that entered into a voluntary cleanup agreement with the Department of Environmental Protection for a drycleaning-solvent-contaminated site or a brownfield site, or that it has a Brownfield Site Rehabilitation Agreement. If the applicant can certify that it qualifies for funding through such certification but has been denied tax credits in the previous year, the applicant may reapply in the following year one time for the total amount of credits that were denied.

Section 16. Paragraphs (b) and (e) of subsection (19) of section 380.06, Florida Statutes, are amended, and paragraph (i) is added to that subsection, to read:

380.06 Developments of regional impact.--

(19) SUBSTANTIAL DEVIATIONS.--

(b) Any proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds any of the following criteria shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government:

1. An increase in the number of parking spaces at an attraction or recreational facility by 5 percent or 300 spaces, whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by 5 percent or 1,000 spectators, whichever is greater.

2. A new runway, a new terminal facility, a 25-percent lengthening of an existing runway, or a 25-percent increase in the number of gates of an existing terminal, but only if the increase adds at least three additional gates.

3. An increase in the number of hospital beds by 5 percent or 60 beds, whichever is greater.

4. An increase in industrial development area by 5 percent or 32 acres, whichever is greater.

5. An increase in the average annual acreage mined by 5 percent or 10 acres, whichever is greater, or an increase in the average daily water consumption by a mining operation by 5 percent or 300,000 gallons, whichever is greater. An increase in the size of the mine by 5 percent or 750 acres, whichever is less. An increase in the size of a heavy mineral mine as defined in s. 378.403(7) will only constitute a substantial deviation if the average annual acreage mined is more than 500 acres and consumes more than 3 million gallons of water per day.

6. An increase in land area for office development by 5 percent or an increase of gross floor area of office development by 5 percent or 60,000 gross square feet, whichever is greater.

7. An increase in the storage capacity for chemical or petroleum storage facilities by 5 percent, 20,000 barrels, or 7 million pounds, whichever is greater.

8. An increase of development at a waterport of wet storage for 20 watercraft, dry storage for 30 watercraft, or wet/dry storage for 60 watercraft in an area identified in the state marina siting plan as an appropriate site for additional waterport development or a 5-percent increase in watercraft storage capacity, whichever is greater.

9. An increase in the number of dwelling units by 5 percent or 50 dwelling units, whichever is greater.

10. An increase in the number of dwelling units by 50 percent, or 200 units, whichever is greater, provided that 15 percent of the proposed additional dwelling units are dedicated to affordable workforce housing, subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters and provisions for the workforce housing to be commenced prior to the completion of 50 percent of the market rate dwelling. For purposes of this subparagraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For purposes of this subparagraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.

11.~~10.~~ An increase in commercial development by 50,000 square feet of gross floor area or of parking spaces provided for customers for 300 cars or a 5-percent increase of either of these, whichever is greater.

12.~~11.~~ An increase in hotel or motel facility units by 5 percent or 75 units, whichever is greater.

13.~~12.~~ An increase in a recreational vehicle park area by 5 percent or 100 vehicle spaces, whichever is less.

14.~~13.~~ A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less.

15.~~14.~~ A proposed increase to an approved multiuse development of regional impact where the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria is equal to or exceeds 100 percent. The percentage of any decrease in the amount of open space shall be treated as an increase for purposes of determining when 100 percent has been reached or exceeded.

16.~~15.~~ A 15-percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.

17.~~16.~~ Any change which would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation or special protection of endangered or threatened plants or animals designated as endangered, threatened, or species of special concern and their habitat, primary dunes, or archaeological and historical sites designated as significant by the Division of Historical Resources of the Department of State. The further refinement of such areas by survey shall be considered under sub-subparagraph (e)5.b.

The substantial deviation numerical standards in subparagraphs 4., 6., 10., 11., and 15. ~~14.~~, excluding residential uses, and 16. ~~15.~~, are increased by 100 percent for a project certified under s. 403.973 which creates jobs and meets criteria established by the Office of Tourism, Trade, and Economic Development as to its impact on an area's economy, employment, and prevailing wage and skill levels. The substantial deviation numerical standards in subparagraphs 4., 6., 9., 10., 11., 12., and 15. ~~14.~~ are increased by 50 percent for a project located wholly within an urban infill and redevelopment area designated on the applicable adopted local comprehensive plan future land use map and not located within the coastal high hazard area.

(e)1. Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order that individually or cumulatively with any previous change is less than any numerical criterion contained in subparagraphs (b)1.-16. ~~(b)1.-15.~~ and does not exceed any other criterion, or that involves an extension of the buildout date of a development, or any phase thereof, of less than 5 years is not subject to the public hearing requirements of subparagraph (f)3., and is not subject to a determination pursuant to subparagraph (f)5. Notice of the proposed change shall be made to the regional planning council and the state land planning agency. Such notice shall include a description of previous individual changes made to the development, including changes previously approved by the local government, and shall include appropriate amendments to the development order.

2. The following changes, individually or cumulatively with any previous changes, are not substantial deviations:

a. Changes in the name of the project, developer, owner, or monitoring official.

b. Changes to a setback that do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources.

c. Changes to minimum lot sizes.

d. Changes in the configuration of internal roads that do not affect external access points.

e. Changes to the building design or orientation that stay approximately within the approved area designated for such building and parking lot, and which do not affect historical buildings designated as significant by the Division of Historical Resources of the Department of State.

f. Changes to increase the acreage in the development, provided that no development is proposed on the acreage to be added.

g. Changes to eliminate an approved land use, provided that there are no additional regional impacts.

h. Changes required to conform to permits approved by any federal, state, or regional permitting agency, provided that these changes do not create additional regional impacts.

i. Any renovation or redevelopment of development within a previously approved development of regional impact which does not change land use or increase density or intensity of use.

j. Any other change which the state land planning agency agrees in writing is similar in nature, impact, or character to the changes enumerated in sub-subparagraphs a.-i. and which does not create the likelihood of any additional regional impact.

This subsection does not require a development order amendment for any change listed in sub-subparagraphs a.-j. unless such issue is addressed either in the existing development order or in the application for development approval, but, in the case of the application, only if, and in the manner in which, the application is incorporated in the development order.

3. Except for the change authorized by sub-subparagraph 2.f., any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.

4. Any submittal of a proposed change to a previously approved development shall include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively constitute a substantial deviation requiring further development-of-regional-impact review.

5. The following changes to an approved development of regional impact shall be presumed to create a substantial deviation. Such presumption may be rebutted by clear and convincing evidence.

a. A change proposed for 15 percent or more of the acreage to a land use not previously approved in the development order. Changes of less than 15 percent shall be presumed not to create a substantial deviation.

b. Except for the types of uses listed in subparagraph (b)17. ~~(b)16.~~, any change which would result in the development of any area which was specifically set aside in the application for development approval or in the development order for preservation, buffers, or special protection, including habitat for plant and animal species, archaeological and historical sites, dunes, and other special areas.

c. Notwithstanding any provision of paragraph (b) to the contrary, a proposed change consisting of simultaneous increases and decreases of at least two of the uses within an authorized multiuse development of regional impact which was originally approved with three or more uses specified in s. 380.0651(3)(c), (d), (f), and (g) and residential use.

(i) An increase in the number of residential dwelling units shall not constitute a substantial deviation and shall not be subject to development-of-regional-impact review for additional impacts, provided that all the residential dwelling units are dedicated to affordable workforce housing and the total number of new residential units does not exceed 200 percent of the substantial deviation threshold. The affordable workforce housing shall be subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters. For purposes of this paragraph, the term "affordable workforce housing" means housing that is affordable to a person who earns not more than 120 percent of the area median income, or not more than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For purposes of this paragraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.

Section 17. Paragraph (k) of subsection (3) of section 380.0651, Florida Statutes, is redesignated as paragraph (l), and a new paragraph (k) is added to that subsection to read:

380.0651 Statewide guidelines and standards.--

(3) The following statewide guidelines and standards shall be applied in the manner described in s. 380.06(2) to determine whether the following developments shall be required to undergo development-of-regional-impact review:

(k) Workforce housing.--The applicable guidelines for residential development and the residential component for multiuse development shall be increased by 50 percent where the developer demonstrates that at least 15 percent of the total residential dwelling units authorized within the development of regional impact will be dedicated to affordable workforce housing, subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters and provisions for the workforce housing to be commenced prior to the completion of 50 percent of the market rate dwelling. For purposes of this paragraph, the term "affordable workforce housing" means housing that is affordable to a person who earns not more than 120 percent of the area median income, or not more than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For the purposes of this paragraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.

Section 18. Section 420.0004, Florida Statutes, is amended to read:

420.0004 Definitions.--As used in this part, unless the context otherwise indicates:

(1) "Adjusted for family size" means adjusted in a manner which results in an income eligibility level which is lower for households with fewer than four people, or higher for households with more than four people, than the base income eligibility determined as provided in subsection (8), subsection (10) ~~(9)~~, subsection (11) ~~(10)~~, or subsection (15) ~~(14)~~, based upon a formula as established by the United States Department of Housing and Urban Development.

(2) "Adjusted gross income" means all wages, assets, regular cash or noncash contributions or gifts from persons outside the household, and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, less deductions allowable under s. 62 of the Internal Revenue Code.

(3) "Affordable" means that monthly rents or monthly mortgage payments including taxes, insurance, and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for the households as indicated in subsection (8), subsection (10) ~~(9)~~, subsection (11) ~~(10)~~, or subsection (15) ~~(14)~~.

(4) "Corporation" means the Florida Housing Finance Corporation.

(5) "Community-based organization" or "nonprofit organization" means a private corporation organized under chapter 617 to assist in the provision of housing and related services on a not-for-profit basis and which is acceptable to federal and state agencies and financial institutions as a sponsor of low-income housing.

(6) "Department" means the Department of Community Affairs.

(7) "Elderly" describes persons 62 years of age or older.

(8) "Extremely-low-income persons" means one or more natural persons or a family whose total annual household income does not exceed 30 percent of the median annual adjusted gross income for households within the state. The Florida Housing Finance Corporation may adjust this amount annually by rule to provide that in lower income counties, extremely-low-income may exceed 30 percent of area median income and that in higher income counties, extremely-low-income may be less than 30 percent of area median income.

(9)~~(8)~~ "Local public body" means any county, municipality, or other political subdivision, or any housing authority as provided by chapter 421, which is eligible to sponsor or develop housing for farmworkers and very-low-income and low-income persons within its jurisdiction.

(10)~~(9)~~ "Low-income persons" means one or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 80 percent of the median annual adjusted gross income for households within the state, or 80 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

(11)~~(10)~~ "Moderate-income persons" means one or more natural persons or a family, the total annual adjusted gross household income of which is less than 120 percent of the median annual adjusted gross income for households within the state, or 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

(12)~~(11)~~ "Student" means any person not living with his or her parent or guardian who is eligible to be claimed by his or her parent or guardian as a dependent under the federal income tax code and who is enrolled on at least a half-time basis in a secondary school, career center, community college, college, or university.

(13)~~(12)~~ "Substandard" means:

(a) Any unit lacking complete plumbing or sanitary facilities for the exclusive use of the occupants;

(b) A unit which is in violation of one or more major sections of an applicable housing code and where such violation poses a serious threat to the health of the occupant; or

(c) A unit that has been declared unfit for human habitation but that could be rehabilitated for less than 50 percent of the property value.

(14)~~(13)~~ "Substantial rehabilitation" means repair or restoration of a dwelling unit where the value of such repair or restoration exceeds 40 percent of the value of the dwelling.

(15)~~(14)~~ "Very-low-income persons" means one or more natural persons or a family, not including students, the total annual adjusted gross household income of which does not exceed 50 percent of the median annual adjusted gross income for households within the state, or 50 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

Section 19. Section 420.37, Florida Statutes, is amended to read:

420.37 Additional powers of the agency ~~Florida Housing Finance Corporation~~.--The agency ~~Florida Housing Finance Corporation~~ shall have all powers necessary or convenient to carry out and effectuate the purposes of this part, including the power to provide for the collection and payment of fees and charges, regardless of method of payment, including, but not limited to, reimbursement of costs of financing by the agency ~~corporation~~, credit underwriting fees, servicing charges, and insurance premiums determined by the agency ~~corporation~~ to be reasonable and as approved by the agency ~~corporation~~. The fees and charges may be paid directly by the borrower to the insurer, lender, or servicing agent or may be deducted from the payments collected by such insurer, lender, or servicing agent.

Section 20. Subsection (18) of section 420.503, Florida Statutes, is amended to read:

420.503 Definitions.--As used in this part, the term:

(18)(a) "Farmworker" means a laborer who is employed on a seasonal, temporary, or permanent basis in the planting, cultivating, harvesting, or processing of agricultural or aquacultural products and who derived at least 50 percent of her or his income in the immediately preceding 12 months from such employment.

(b) "Farmworker" ~~also~~ includes a person who has retired as a laborer due to age, disability, or illness. In order to be considered retired as a farmworker due to age under this part, a person must be 50 years of age or older and must have been employed for a minimum of 5 years as a farmworker before retirement. In order to be considered retired as a farmworker due to disability or illness, a person must:

1.~~(a)~~ Establish medically that she or he is unable to be employed as a farmworker due to that disability or illness.

2.~~(b)~~ Establish that she or he was previously employed as a farmworker.

(c) Notwithstanding paragraphs (a) and (b), when corporation-administered funds are used in conjunction with United States Department of Agriculture Rural Development funds, the term "farmworker" may mean a laborer who meets, at a minimum, the definition of "domestic farm laborer" as found in 7 C.F.R. s. 3560.11, as amended. The corporation may establish additional criteria by rule.

Section 21. Section 420.5061, Florida Statutes, is amended to read:

420.5061 Transfer of agency assets and liabilities.--Effective January 1, 1998, all assets and liabilities and rights and obligations, including any outstanding contractual obligations, of the agency shall be transferred to the corporation as legal successor in all respects to the agency. The corporation shall thereupon become obligated to the same extent as the agency under any existing agreements and be entitled to any rights and remedies previously afforded the agency by law or contract, including specifically the rights of the agency under chapter 201 and part VI of chapter 159. The corporation is a state agency for purposes of s. 159.807(4)(a). Effective January 1, 1998, all references under Florida law to the agency are deemed to mean the corporation. The corporation shall transfer to the General Revenue Fund an amount which otherwise would have been deducted as a service charge pursuant to s. 215.20(1) if the Florida Housing Finance Corporation Fund established by s. 420.508(5), the State Apartment Incentive Loan Fund established by s. 420.5087(7), the Florida Homeownership Assistance Fund established by s. 420.5088(4)~~(5)~~, the HOME Investment Partnership Fund established by s. 420.5089(1), and the Housing Predevelopment Loan Fund established by s. 420.525(1) were each trust funds. For purposes of s. 112.313, the corporation is deemed to be a continuation of the agency, and the provisions thereof are deemed to apply as if the same entity remained in place. Any employees of the agency and agency board members covered by s. 112.313(9)(a)6. shall continue to be entitled to the exemption in that subparagraph, notwithstanding being hired by the corporation or appointed as board members of the corporation. Effective January 1, 1998, all state property in use by the agency shall be transferred to and become the property of the corporation.

Section 22. Subsections (22), (23), and (40) of section 420.507, Florida Statutes, are amended, and subsections (44) and (45) are added to that section, to read:

420.507 Powers of the corporation.--The corporation shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers which are in addition to all other powers granted by other provisions of this part:

(22) To develop and administer the State Apartment Incentive Loan Program. In developing and administering that program, the corporation may:

(a) Make first, second, and other subordinated mortgage loans including variable or fixed rate loans subject to contingent interest for all State Apartment Incentive Loans provided for in this chapter based upon available cash flow of the projects. The corporation shall make loans exceeding 25 percent of project cost available only to nonprofit organizations and public bodies which are able to secure grants, donations of land, or contributions from other sources and to projects meeting the criteria of subparagraph 1. Mortgage loans shall be made available at the following rates of interest:

1. Zero to 3 percent interest for sponsors of projects that set aside at least ~~maintain an~~ 80 percent ~~occupancy~~ of their total units for residents qualifying as farmworkers as defined in this part ~~s. 420.503(18)~~, or commercial fishing workers as defined in this part ~~s. 420.503(5)~~, or the homeless as defined in s. 420.621(4) over the life of the loan.

2. Zero to 3 percent interest based on the pro rata share of units set aside for homeless residents if the total of such units is less than 80 percent of the units in the borrower's project.

3. One ~~Three~~ to 9 percent interest for sponsors of projects targeted at populations other than farmworkers, commercial fishing workers, and the homeless.

(b) Make loans exceeding 25 percent of project cost when the project serves extremely-low-income persons.

(c) Forgive indebtedness for a share of the loan attributable to the units in a project reserved for extremely-low-income persons.

(d)~~(b)~~ Geographically and demographically target the utilization of loans.

(e)~~(c)~~ Underwrite credit, and reject projects which do not meet the established standards of the corporation.

(f)~~(d)~~ Negotiate with governing bodies within the state after a loan has been awarded to obtain local government contributions.

(g)~~(e)~~ Inspect any records of a sponsor at any time during the life of the loan or the agreed period for maintaining the provisions of s. 420.5087.

(h)~~(f)~~ Establish, by rule, the procedure for evaluating, scoring, and competitively ranking all applications based on the criteria set forth in s. 420.5087(6)(c); determining actual loan amounts; making and servicing loans; and exercising the powers authorized in this subsection.

(i)~~(g)~~ Establish a loan loss insurance reserve to be used to protect the outstanding program investment in case of a default, deed in lieu of foreclosure, or foreclosure of a program loan.

(23) To develop and administer the Florida Homeownership Assistance Program. In developing and administering the program, the corporation may:

(a)1. Make subordinated loans to eligible borrowers for down payments or closing costs related to the purchase of the borrower's primary residence.

2. Make permanent loans to eligible borrowers related to the purchase of the borrower's primary residence.

3. Make subordinated loans to nonprofit sponsors or developers of housing for purchase of property, for construction, or for financing of housing to be offered for sale to eligible borrowers as a primary residence at an affordable price.

(b) Establish a loan loss insurance reserve to supplement existing sources of mortgage insurance with appropriated funds.

(c) Geographically and demographically target the utilization of loans.

(d) Defer repayment of loans for the term of the first mortgage.

(e) Establish flexible terms for loans with an interest rate not to exceed 3 percent per annum and which are nonamortizing for the term of the first mortgage.

(f) Require repayment of loans upon sale, transfer, refinancing, or rental of secured property, unless otherwise approved by the corporation.

(g) Accelerate a loan for monetary default, for failure to provide the benefits of the loans to eligible borrowers, or for violation of any other restriction placed upon the loan.

(h) Adopt rules for the program and exercise the powers authorized in this subsection.

(40) To establish subsidiary business entities ~~corporations~~ for the purpose of taking title to and managing and disposing of property acquired by the corporation. Such subsidiary business entities ~~corporations~~ shall be public business entities ~~corporations~~ wholly owned by the corporation; shall be entitled to own, mortgage, and sell property on the same basis as the corporation; and shall be deemed business entities ~~corporations~~ primarily acting as an agent ~~agents~~ of the state, within the meaning of s. 768.28, on the same basis as the corporation. Any subsidiary business entity created by the corporation shall be subject to chapters 119, 120, and 286 to the same extent as the corporation. The subsidiary business entities shall have authority to make rules necessary to conduct business and to carry out the purposes of this subsection.

(44) To adopt rules for the intervention and negotiation of terms or other actions necessary to further program goals or avoid default of a program loan. Such rules must consider fiscal program goals and the preservation or advancement of affordable housing for the state.

(45) To establish by rule requirements for periodic reporting of data, including, but not limited to, financial data, housing market data, detailed economic and physical occupancy on multifamily projects, and demographic data on all housing financed through corporation programs and for participation in a housing locator system.

Section 23. Subsections (1), (3), (5), and (6) of section 420.5087, Florida Statutes, are amended to read:

420.5087 State Apartment Incentive Loan Program.--There is hereby created the State Apartment Incentive Loan Program for the purpose of providing first, second, or other subordinated mortgage loans or loan guarantees to sponsors, including for-profit, nonprofit, and public entities, to provide housing affordable to very-low-income persons.

(1) Program funds shall be distributed over successive 3-year periods in a manner that meets the need and demand for very-low-income housing throughout the state. That need and demand must be determined by using the most recent statewide low-income rental housing market studies available at the beginning of each 3-year period. However, at least 10 percent of the program funds distributed during a 3-year period must be allocated to each of the following categories of counties, as determined by using the population statistics published in the most recent edition of the Florida Statistical Abstract:

(a) Counties that have a population of 825,000 or more. ~~more than 500,000 people;~~

(b) Counties that have a population of more than ~~between~~ 100,000 but less than 825,000. ~~and 500,000 people; and~~

(c) Counties that have a population of 100,000 or less.

Any increase in funding required to reach the 10-percent minimum shall be taken from the county category that has the largest allocation. The corporation shall adopt rules which establish an equitable process for distributing any portion of the 10 percent of program funds allocated to the county categories specified in this subsection which remains unallocated at the end of a 3-year period. Counties that have a population of 100,000 or less shall be given preference under these rules.

(3) During the first 6 months of loan or loan guarantee availability, program funds shall be reserved for use by sponsors who provide the housing set-aside required in subsection (2) for the tenant groups designated in this subsection. The reservation of funds to each of these groups shall be determined using the most recent statewide very-low-income rental housing market study available at the time of publication of each notice of fund availability required by paragraph (6)(b). The reservation of funds within each notice of fund availability to the tenant groups in paragraphs (a), (b), and (d) may not be less than 10 percent of the funds available at that time. Any increase in funding required to reach the 10-percent minimum shall be taken from the tenant group that has the largest reservation. The reservation of funds within each notice of fund availability to the tenant group in paragraph (c) may not be less than 5 percent of the funds available at that time. The tenant groups are:

(a) Commercial fishing workers and farmworkers;

(b) Families;

(c) Persons who are homeless; and

(d) Elderly persons. Ten percent of the amount reserved for the elderly shall be reserved to provide loans to sponsors of housing for the elderly for the purpose of making building preservation, health, or sanitation repairs or improvements which are required by federal, state, or local regulation or code, or lifesafety or security-related repairs or improvements to such housing. Such a loan may not exceed $750,000 per housing community for the elderly. In order to receive the loan, the sponsor of the housing community must make a commitment to match at least 5 ~~15~~ percent of the loan amount to pay the cost of such repair or improvement. The corporation shall establish the rate of interest on the loan, which may not exceed 3 percent, and the term of the loan, which may not exceed 15 years; however, if the lien of the corporation's encumbrance is subordinate to the lien of another mortgagee, then the term may be made coterminous with the longest term of the superior lien. The term of the loan shall be established on the basis of a credit analysis of the applicant. The corporation shall establish, by rule, the procedure and criteria for receiving, evaluating, and competitively ranking all applications for loans under this paragraph. A loan application must include evidence of the first mortgagee's having reviewed and approved the sponsor's intent to apply for a loan. A nonprofit organization or sponsor may not use the proceeds of the loan to pay for administrative costs, routine maintenance, or new construction.

(5) The amount of the mortgage provided under this program combined with any other mortgage in a superior position shall be less than the value of the project without the housing set-aside required by subsection (2). However, the corporation may waive this requirement for projects in rural areas or urban infill areas which have market rate rents that are less than the allowable rents pursuant to applicable state and federal guidelines, and for projects which reserve units for extremely-low-income persons. In no event shall the mortgage provided under this program combined with any other mortgage in a superior position exceed total project cost.

(6) On all state apartment incentive loans, except loans made to housing communities for the elderly to provide for lifesafety, building preservation, health, sanitation, or security-related repairs or improvements, the following provisions shall apply:

(a) The corporation shall establish two interest rates in accordance with s. 420.507(22)(a)1. and 3. ~~2.~~

(b) The corporation shall publish a notice of fund availability in a publication of general circulation throughout the state. Such notice shall be published at least 60 days prior to the application deadline and shall provide notice of the temporary reservations of funds established in subsection (3).

(c) The corporation shall provide by rule for the establishment of a review committee composed of the department and corporation staff and shall establish by rule a scoring system for evaluation and competitive ranking of applications submitted in this program, including, but not limited to, the following criteria:

1. Tenant income and demographic targeting objectives of the corporation.

2. Targeting objectives of the corporation which will ensure an equitable distribution of loans between rural and urban areas.

3. Sponsor's agreement to reserve the units for persons or families who have incomes below 50 percent of the state or local median income, whichever is higher, for a time period to exceed the minimum required by federal law or the provisions of this part.

4. Sponsor's agreement to reserve more than:

a. Twenty percent of the units in the project for persons or families who have incomes that do not exceed 50 percent of the state or local median income, whichever is higher; or

b. Forty percent of the units in the project for persons or families who have incomes that do not exceed 60 percent of the state or local median income, whichever is higher, without requiring a greater amount of the loans as provided in this section.

5. Provision for tenant counseling.

6. Sponsor's agreement to accept rental assistance certificates or vouchers as payment for rent~~; however, when certificates or vouchers are accepted as payment for rent on units set aside pursuant to subsection (2), the benefit must be divided between the corporation and the sponsor, as provided by corporation rule~~.

7. Projects requiring the least amount of a state apartment incentive loan compared to overall project cost except that the share of the loan attributable to units serving extremely-low-income persons shall be excluded from this requirement.

8. Local government contributions and local government comprehensive planning and activities that promote affordable housing.

9. Project feasibility.

10. Economic viability of the project.

11. Commitment of first mortgage financing.

12. Sponsor's prior experience.

13. Sponsor's ability to proceed with construction.

14. Projects that directly implement or assist welfare-to-work transitioning.

15. Projects that reserve units for extremely-low-income persons.

(d) The corporation may reject any and all applications.

(e) The corporation may approve and reject applications for the purpose of achieving geographic targeting.

(f) The review committee established by corporation rule pursuant to this subsection shall make recommendations to the board of directors of the corporation regarding program participation under the State Apartment Incentive Loan Program. The corporation board shall make the final ranking and the decisions regarding which applicants shall become program participants based on the scores received in the competitive ranking, further review of applications, and the recommendations of the review committee. The corporation board shall approve or reject applications for loans and shall determine the tentative loan amount available to each applicant selected for participation in the program. The actual loan amount shall be determined pursuant to rule adopted pursuant to s. 420.507(22)(h)~~(f)~~.

(g) The loan term shall be for a period of not more than 15 years; however, if both a program loan and federal low-income housing tax credits are to be used to assist a project, the corporation may set the loan term for a period commensurate with the investment requirements associated with the tax credit syndication. The term of the loan may also exceed 15 years; however, if the lien of the corporation's encumbrance is subordinate to the lien of another mortgagee, then the term may be made coterminous with the longest term of the superior lien ~~necessary to conform to requirements of the Federal National Mortgage Association~~. The corporation may renegotiate and extend the loan in order to extend the availability of housing for the targeted population. The term of a loan may not extend beyond the period for which the sponsor agrees to provide the housing set-aside required by subsection (2).

(h) The loan shall be subject to sale, transfer, or refinancing. The sale, transfer, or refinancing of the loan shall be consistent with fiscal program goals and the preservation or advancement of affordable housing for the state. ~~However, all requirements and conditions of the loan shall remain following sale, transfer, or refinancing.~~

(i) The discrimination provisions of s. 420.516 shall apply to all loans.

(j) The corporation may require units dedicated for the elderly.

(k) Rent controls shall not be allowed on any project except as required in conjunction with the issuance of tax-exempt bonds or federal low-income housing tax credits and except when the sponsor has committed to set aside units for extremely-low-income persons, in which case rents shall be restricted at the level applicable for federal low-income tax credits.

(l) The proceeds of all loans shall be used for new construction or substantial rehabilitation which creates affordable, safe, and sanitary housing units.

(m) Sponsors shall annually certify the adjusted gross income of all persons or families qualified under subsection (2) at the time of initial occupancy, who are residing in a project funded by this program. All persons or families qualified under subsection (2) may continue to qualify under subsection (2) in a project funded by this program if the adjusted gross income of those persons or families at the time of annual recertification meets the requirements established in s. 142(d)(3)(B) of the Internal Revenue Code of 1986, as amended. If the annual recertification of persons or families qualifying under subsection (2) results in noncompliance with income occupancy requirements, the next available unit must be rented to a person or family qualifying under subsection (2) in order to ensure continuing compliance of the project. The corporation may waive the annual recertification if 100 percent of the units are set aside as affordable.

(n) Upon submission and approval of a marketing plan which demonstrates a good faith effort of a sponsor to rent a unit or units to persons or families reserved under subsection (3) and qualified under subsection (2), the sponsor may rent such unit or units to any person or family qualified under subsection (2) notwithstanding the reservation.

(o) Sponsors may participate in federal mortgage insurance programs and must abide by the requirements of those programs. If a conflict occurs between the requirements of federal mortgage insurance programs and the requirements of this section, the requirements of federal mortgage insurance programs shall take precedence.

Section 24. Section 420.5088, Florida Statutes, is amended to read:

420.5088 Florida Homeownership Assistance Program.--There is created the Florida Homeownership Assistance Program for the purpose of assisting low-income and moderate-income persons in purchasing a home as their primary residence by reducing the cost of the home with below-market construction financing, by reducing the amount of down payment and closing costs paid by the borrower to a maximum of 5 percent of the purchase price, or by reducing the monthly payment to an affordable amount for the purchaser. Loans shall be made available at an interest rate that does not exceed 3 percent. The balance of any loan is due at closing if the property is sold, refinanced, rented, or transferred, unless otherwise approved by the corporation.

(1) For loans made available pursuant to s. 420.507(23)(a)1. or 2.:

(a) The corporation may underwrite and make those mortgage loans through the program to persons or families who have incomes that do not exceed 120 ~~80~~ percent of the state or local median income, whichever is greater, adjusted for family size.

(b) Loans shall be made available for the term of the first mortgage.

(c) Loans may not exceed ~~are limited to~~ the lesser of 35 ~~25~~ percent of the purchase price of the home or the amount necessary to enable the purchaser to meet credit underwriting criteria.

(2) For loans made pursuant to s. 420.507(23)(a)3.:

(a) Availability is limited to nonprofit sponsors or developers who are selected for program participation pursuant to this subsection.

(b) Preference must be given ~~to community development corporations as defined in s. 290.033 and~~ to community-based organizations as defined in s. 420.503.

(c) Priority must be given to projects that have received state assistance in funding project predevelopment costs.

(d) The benefits of making such loans shall be contractually provided to the persons or families purchasing homes financed under this subsection.

(e) At least 30 percent of the units in a project financed pursuant to this subsection must be sold to persons or families who have incomes that do not exceed 80 percent of the state or local median income, whichever amount is greater, adjusted for family size; and at least another 30 percent of the units in a project financed pursuant to this subsection must be sold to persons or families who have incomes that do not exceed 65 ~~50~~ percent of the state or local median income, whichever amount is greater, adjusted for family size.

(f) The maximum loan amount may not exceed 33 percent of the total project cost.

(g) A person who purchases a home in a project financed under this subsection is eligible for a loan authorized by s. 420.507(23)(a)1. or 2. in an

aggregate amount not exceeding the construction loan made pursuant to this subsection. The home purchaser must meet all the requirements for loan recipients established pursuant to the applicable loan program.

(h) The corporation shall provide, by rule, for the establishment of a review committee composed of corporation staff and shall establish, by rule, a scoring system for evaluating and ranking applications submitted for construction loans under this subsection, including, but not limited to, the following criteria:

1. The affordability of the housing proposed to be built.

2. The direct benefits of the assistance to the persons who will reside in the proposed housing.

3. The demonstrated capacity of the applicant to carry out the proposal, including the experience of the development team.

4. The economic feasibility of the proposal.

5. The extent to which the applicant demonstrates potential cost savings by combining the benefits of different governmental programs and private initiatives, including the local government contributions and local government comprehensive planning and activities that promote affordable housing.

6. The use of the least amount of program loan funds compared to overall project cost.

7. The provision of homeownership counseling.

8. The applicant's agreement to exceed the requirements of paragraph (e).

9. The commitment of first mortgage financing for the balance of the construction loan and for the permanent loans to the purchasers of the housing.

10. The applicant's ability to proceed with construction.

11. The targeting objectives of the corporation which will ensure an equitable distribution of loans between rural and urban areas.

12. The extent to which the proposal will further the purposes of this program.

(i) The corporation may reject any and all applications.

(j) The review committee established by corporation rule pursuant to this subsection shall make recommendations to the corporation board regarding program participation under this subsection. The corporation board shall make the final ranking for participation based on the scores received in the ranking, further review of the applications, and the recommendations of the review committee. The corporation board shall approve or reject applicants for loans and shall determine the tentative loan amount available to each program participant. The final loan amount shall be determined pursuant to rule adopted under s. 420.507(23)(h).

(3) The corporation shall publish a notice of fund availability in a publication of general circulation throughout the state at least 60 days prior to the anticipated availability of funds.

~~(4) During the first 9 months of fund availability:~~

~~(a) Sixty percent of the program funds shall be reserved for use by borrowers pursuant to s. 420.507(23)(a)1.;~~

~~(b) Twenty percent of the program funds shall be reserved for use by borrowers pursuant to s. 420.507(23)(a)2.; and~~

~~(c) Twenty percent of the program funds shall be reserved for use by borrowers pursuant to s. 420.507(23)(a)3.~~

~~If the application of these percentages would cause the reservation of program funds under paragraph (a) to be less than $1 million, the reservation for paragraph (a) shall be increased to $1 million or all available funds, whichever amount is less, with the increase to be accomplished by reducing the reservation for paragraph (b) and, if necessary, paragraph (c).~~

(4)~~(5)~~ There is authorized to be established by the corporation with a qualified public depository meeting the requirements of chapter 280 the Florida Homeownership Assistance Fund to be administered by the corporation according to the provisions of this program. Any amounts held in the Florida Homeownership Assistance Trust Fund for such purposes as of January 1, 1998, must be transferred to the corporation for deposit in the Florida Homeownership Assistance Fund, whereupon the Florida Homeownership Assistance Trust Fund must be closed. There shall be deposited in the fund moneys from the State Housing Trust Fund created by s. 420.0005, or moneys received from any other source, for the purpose of this program and all proceeds derived from the use of such moneys. In addition, all unencumbered funds, loan repayments, proceeds from the sale of any property, and any other proceeds that would otherwise accrue pursuant to the activities of the programs described in this section shall be transferred to this fund. In addition, all loan repayments, proceeds from the sale of any property, and any other proceeds that would otherwise accrue pursuant to the activities conducted under the provisions of the Florida Homeownership Assistance Program shall be deposited in the fund and shall not revert to the General Revenue Fund. Expenditures from the Florida Homeownership Assistance Fund shall not be required to be included in the corporation's budget request or be subject to appropriation by the Legislature.

(5)~~(6)~~ No more than one-fifth of the funds available in the Florida Homeownership Assistance Fund may be made available to provide loan loss insurance reserve funds to facilitate homeownership for eligible persons.

Section 25. Section 420.530, Florida Statutes, is repealed.

Section 26. Subsection (25) of section 420.9071, Florida Statutes, is amended to read:

420.9071 Definitions.--As used in ss. 420.907-420.9079, the term:

(25) "Recaptured funds" means funds that are recouped by a county or eligible municipality in accordance with the recapture provisions of its local housing assistance plan pursuant to s. 420.9075(5)~~(4)~~(g) from eligible persons or eligible sponsors who default on the terms of a grant award or loan award.

Section 27. Subsection (2) of section 420.9072, Florida Statutes, is amended to read:

420.9072 State Housing Initiatives Partnership Program.--The State Housing Initiatives Partnership Program is created for the purpose of providing funds to counties and eligible municipalities as an incentive for the creation of local housing partnerships, to expand production of and preserve affordable housing, to further the housing element of the local government comprehensive plan specific to affordable housing, and to increase housing-related employment.

(2)(a) To be eligible to receive funds under the program, a county or eligible municipality must:

1. Submit to the corporation its local housing assistance plan describing the local housing assistance strategies established pursuant to s. 420.9075;

2. Within 12 months after adopting the local housing assistance plan, amend the plan to incorporate the local housing incentive strategies defined in s. 420.9071(16) and described in s. 420.9076; and

3. Within 24 months after adopting the amended local housing assistance plan to incorporate the local housing incentive strategies, amend its land development regulations or establish local policies and procedures, as necessary, to implement the local housing incentive strategies adopted by the local governing body. A county or an eligible municipality that has adopted a housing incentive strategy pursuant to s. 420.9076 before the effective date of this act shall review the status of implementation of the plan according to its adopted schedule for implementation and report its findings in the annual report required by s. 420.9075(10)~~(9)~~. If as a result of the review, a county or an eligible municipality determines that the implementation is complete and in accordance with its schedule, no further action is necessary. If a county or an eligible municipality determines that implementation according to its schedule is not complete, it must amend its land development regulations or establish local policies and procedures, as necessary, to implement the housing incentive plan within 12 months after the effective date of this act, or if extenuating circumstances prevent implementation within 12 months, pursuant to s. 420.9075(13)~~(12)~~, enter into an extension agreement with the corporation.

(b) A county or an eligible municipality seeking approval to receive its share of the local housing distribution must adopt an ordinance containing the following provisions:

1. Creation of a local housing assistance trust fund as described in s. 420.9075(6)~~(5)~~.

2. Adoption by resolution of a local housing assistance plan as defined in s. 420.9071(14) to be implemented through a local housing partnership as defined in s. 420.9071(18).

3. Designation of the responsibility for the administration of the local housing assistance plan. Such ordinance may also provide for the contracting of all or part of the administrative or other functions of the program to a third person or entity.

4. Creation of the affordable housing advisory committee as provided in s. 420.9076.

The ordinance must not take effect until at least 30 days after the date of formal adoption. Ordinances in effect prior to the effective date of amendments to this section shall be amended as needed to conform to new provisions.

Section 28. Paragraphs (a) and (c) of present subsection (4) of section 420.9075, Florida Statutes, are amended, subsections (3) through (12) are renumbered as subsections (4) through (13), respectively, and a new subsection (3) is added to that section, to read:

420.9075 Local housing assistance plans; partnerships.--

(3)(a) Each local housing assistance plan shall include a definition of essential service personnel for the county or eligible municipality, including, but not limited to, teachers and educators, other school district, community college, and university employees, police and fire personnel, health care personnel, skilled building trades personnel, and other job categories.

(b) Each county and each eligible municipality is encouraged to develop a strategy within its local housing assistance plan that emphasizes the recruitment and retention of essential service personnel. The local government is encouraged to involve public and private sector employers. Compliance with the eligibility criteria established under this strategy shall be verified by the county or eligible municipality.

(c) Each county and each eligible municipality is encouraged to develop a strategy within its local housing assistance plan that addresses the needs of persons who are deprived of affordable housing due to the closure of a mobile home park or the conversion of affordable rental units to condominiums.

(5)~~(4)~~ The following criteria apply to awards made to eligible sponsors or eligible persons for the purpose of providing eligible housing:

(a) At least 65 percent of the funds made available in each county and eligible municipality from the local housing distribution must be reserved for rehabilitation and construction of home ownership units for eligible extremely-low-income, low-income, or very-low-income persons.

(c) The sales price or value of new or existing eligible housing may not exceed 90 percent of the average area purchase price in the statistical area in which the eligible housing is located. Such average area purchase price may be that calculated for any 12-month period beginning not earlier than the fourth calendar year prior to the year in which the award occurs or as otherwise established by the United States Department of the Treasury.

If both an award under the local housing assistance plan and federal low-income housing tax credits are used to assist a project and there is a conflict between the criteria prescribed in this subsection and the requirements of s. 42 of the Internal Revenue Code of 1986, as amended, the county or eligible municipality may resolve the conflict by giving precedence to the requirements of s. 42 of the Internal Revenue Code of 1986, as amended, in lieu of following the criteria prescribed in this subsection with the exception of paragraphs (a) and (d) of this subsection.

Section 29. Subsection (6) of section 420.9076, Florida Statutes, is amended to read:

420.9076 Adoption of affordable housing incentive strategies; committees.--

(6) Within 90 days after the date of receipt of the local housing incentive strategies recommendations from the advisory committee, the governing body of the appointing local government shall adopt an amendment to its local housing assistance plan to incorporate the local housing incentive strategies it will implement within its jurisdiction. The amendment must include, at a minimum, the local housing incentive strategies specified ~~as defined~~ in paragraphs (4)(a)-(j) ~~s. 420.9071(16)~~.

Section 30. Subsection (2) of section 420.9079, Florida Statutes, is amended to read:

420.9079 Local Government Housing Trust Fund.--

(2) The corporation shall administer the fund exclusively for the purpose of implementing the programs described in ss. 420.907-420.9078 and this section. With the exception of monitoring the activities of counties and eligible municipalities to determine local compliance with program requirements, the corporation shall not receive appropriations from the fund for administrative or personnel costs. For the purpose of implementing the compliance monitoring provisions of s. 420.9075(9)~~(8)~~, the corporation may request a maximum of one-quarter of 1 percent of the annual appropriation ~~$200,000~~ per state fiscal year. When such funding is appropriated, the corporation shall deduct the amount appropriated prior to calculating the local housing distribution pursuant to ss. 420.9072 and 420.9073.

Section 31. Paragraph (c) of subsection (1) and paragraph (e) of subsection (2) of section 624.5105, Florida Statutes, are amended to read:

624.5105 Community contribution tax credit; authorization; limitations; eligibility and application requirements; administration; definitions; expiration.--

(1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.--

(c) The total amount of tax credit which may be granted for all programs approved under this section and ss. 212.08(5)(q) and 220.183 is $10 ~~$12~~ million annually for projects that provide homeownership opportunities for extremely-low-income persons, as defined in s. 420.0004(8), or low-income or very-low-income persons, as defined in s. 420.9071(19) and (28), and $3 million annually for all other projects.

(2) ELIGIBILITY REQUIREMENTS.--

(e)1. ~~For the first 6 months of the fiscal year, the Office of Tourism, Trade, and Economic Development shall reserve 80 percent of the first $10 million in available annual tax credits, and 70 percent of any available annual tax credits in excess of $10 million, for donations made to eligible sponsors for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28). If any such reserved annual tax credits remain after the first 6 months of the fiscal year, the office may approve the balance of these available credits for donations made to eligible sponsors for projects other than those that provide homeownership opportunities for low income or very low income households.~~

~~2. For the first 6 months of the fiscal year, the office shall reserve 20 percent of the first $10 million in available annual tax credits, and 30 percent of any available annual tax credits in excess of $10 million, for donations made to eligible sponsors for projects other than those that provide homeownership opportunities for low income or very low income households as defined in s. 420.9071(19) and (28). If any reserved annual tax credits remain after the first 6 months of the fiscal year, the office may approve the balance of these available credits for donations made to eligible sponsors for projects that provide homeownership opportunities for low-income or very low income households.~~

~~3.~~ If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for extremely-low-income persons, as defined in s. 420.0004(8), or low-income or very-low-income persons, as defined in s. 420.9071(19) and (28), are received for less than the ~~available~~ annual tax credits available for those projects ~~reserved under subparagraph 1.~~, the office shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the ~~first 6 months of the~~ state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for extremely-low-income persons, as defined in s. 420.0004(8), or low-income or very-low-income persons, as defined in s. 420.9071(19) and (28), are received for more than the ~~available~~ annual tax credits available for those projects ~~reserved under subparagraph 1.~~, the office shall grant the tax credits for those ~~the~~ applications as follows:

a. If tax credit applications submitted for approved projects of an eligible sponsor do not exceed $200,000 in total, the credits shall be granted in full if the tax credit applications are approved~~, subject to subparagraph 1~~.

b. If tax credit applications submitted for approved projects of an eligible sponsor exceed $200,000 in total, the amount of tax credits granted under sub-subparagraph a. shall be subtracted from the amount of available tax credits ~~under subparagraph 1.~~, and the remaining credits shall be granted to each approved tax credit application on a pro rata basis.

~~c. If, after the first 6 months of the fiscal year, additional credits become available under subparagraph 2., the office shall grant the tax credits by first granting to those who received a pro rata reduction up to the full amount of their request and, if there are remaining credits, granting credits to those who~~

~~applied on or after the 11th business day of the state fiscal year on a first-come, first-served basis.~~

2.~~4.~~ If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide homeownership opportunities for extremely-low-income persons, as defined in s. 420.0004(8), or low-income or very-low-income persons, as defined in s. 420.9071(19) and (28) are received for less than the ~~available~~ annual tax credits available for those projects ~~reserved under subparagraph 2.~~, the office shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the ~~first 6 months of the~~ state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide homeownership opportunities for extremely-low-income persons, as defined in s. 420.0004(8), or low-income or very-low-income persons, as defined in s. 420.9071(19) and (28), are received for more than the ~~available~~ annual tax credits available for those projects ~~reserved under subparagraph 2.~~, the office shall grant the tax credits for those ~~the~~ applications on a pro rata basis. ~~If, after the first 6 months of the fiscal year, additional credits become available under subparagraph 1., the office shall grant the tax credits by first granting to those who received a pro rata reduction up to the full amount of their request and, if there are remaining credits, granting credits to those who applied on or after the 11th business day of the state fiscal year on a first-come, first-served basis.~~

Section 32. Subsection (12) is added to section 723.0612, Florida Statutes, to read:

723.0612 Change in use; relocation expenses; payments by park owner.--

(12) If the owner of a mobile home or a recreational vehicle park applies to a local government to change the use of the land to a single-family residential or multi-family land use and the existing park has a density of 10 mobile homes or recreational vehicles or more per acre, the local government must allow at least 10 residential units per acre if:

(a) The proposed change in the use of the land is otherwise consistent with the local comprehensive plan; and

(b) The initial sales price of all residential units in the proposed project is less than 80 percent of the county median sales price for a single-family home.

Section 33. Subsection (12) of section 1001.43, Florida Statutes, is renumbered as subsection (13), and a new subsection (12) is added to that section to read:

1001.43 Supplemental powers and duties of district school board.--The district school board may exercise the following supplemental powers and duties as authorized by this code or State Board of Education rule.

(12) AFFORDABLE HOUSING.--The district school board may provide affordable housing for teachers and other district personnel independently or in conjunction with other agencies as described in subsection (5).

Section 34. Paragraph (c) is added to subsection (5) of section 1013.64, Florida Statutes, to read:

1013.64 Funds for comprehensive educational plant needs; construction cost maximums for school district capital projects.--Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(5) District school boards shall identify each fund source and the use of each proportionate to the project cost, as identified in the bid document, to assure compliance with this section. The data shall be submitted to the department, which shall track this information as submitted by the boards. PECO funds shall not be expended as indicated in the following:

(c) PECO funds shall not be used for the construction of affordable housing. School districts may use local and other funds to fund such projects.

Section 35. Community Workforce Housing Innovation Pilot Program.--

(1) The Legislature finds and declares that recent rapid increases in the median purchase price of a home and the cost of rental housing have far outstripped the increases in median income in the state, preventing essential services personnel from living in the communities where they serve and thereby creating the need for innovative solutions for the provision of housing opportunities for essential services personnel.

(2) The Community Workforce Housing Innovation Pilot Program is created to provide affordable rental and home ownership community workforce housing for essential services personnel affected by the high cost of housing, using regulatory incentives and state and local funds to promote local public-private partnerships and leverage government and private resources.

(3) For purposes of this section, the following definitions apply:

(a) "Workforce housing" means housing affordable to natural persons or families whose total annual household income does not exceed 140 percent of the area median income, adjusted for household size, or 150 percent of area median income, adjusted for household size, in areas of critical state concern designated under s. 380.05, Florida Statutes, for which the Legislature has declared its intent to provide affordable housing, and areas that were designated as areas of critical state concern for at least 20 consecutive years prior to removal of the designation.

(b) "Essential services personnel" means persons in need of affordable housing who are employed in occupations or professions in which they are considered essential services personnel, as defined by each county and eligible municipality within its respective local housing assistance plan pursuant to s. 420.9075(3)(a), Florida Statutes.

(c) "Public-private partnership" means any form of business entity that includes substantial involvement of at least one county, one municipality, or one public sector entity, such as a school district or other unit of local government in which the project is to be located, and at least one private sector for-profit or not-for-profit business or charitable entity, and may be any form of business entity, including a joint venture or contractual agreement.

(4) The Florida Housing Finance Corporation is authorized to provide Community Workforce Housing Innovation Pilot Program loans to an applicant for construction or rehabilitation of workforce housing in eligible areas. The corporation shall establish a funding process and selection criteria by rule or request for proposals. This funding is intended to be used with other public and private sector resources.

(5) The corporation shall provide incentives for local governments in eligible areas to use local affordable housing funds, such as those from the State Housing Initiatives Partnership Program, to assist in meeting the affordable housing needs of persons eligible under this program.

(6) Funding shall be targeted to projects in areas where the disparity between the area median income and the median sales price for a single-family home is greatest, and for projects in areas where population growth as a percentage rate of increase is greatest. The corporation may also fund projects in areas where innovative regulatory and financial incentives are made available. This program is intended to fund one program per county.

(7) Projects shall receive priority consideration for funding where:

(a) The local jurisdiction adopts appropriate regulatory incentives, local contributions or financial strategies, or other funding sources to promote the development and ongoing financial viability of such projects. Local incentives include such actions as expediting review of development orders and permits, supporting development near transportation hubs and major employment centers, and adopting land development regulations designed to allow flexibility in densities, use of accessory units, mixed-use developments, and flexible lot configurations. Financial strategies include such actions as promoting employer-assisted housing programs, providing tax increment financing, and providing land.

(b) Projects are innovative and include new construction or rehabilitation, mixed-income housing, or commercial and housing mixed-use elements and those that promote homeownership. The program funding shall not exceed the costs attributable to the portion of the project that is set aside to provide housing for the targeted population.

(c) Projects that set aside at least 80 percent of units for workforce housing and at least 50 percent for essential services personnel and for projects that require the least amount of program funding compared to the overall housing costs for the project.

(8) Notwithstanding the provisions of s. 163.3184(3)-(6), Florida Statutes, any local government comprehensive plan amendment to implement a Community Workforce Housing Innovation Pilot Program project found consistent with the provisions of this section shall be expedited as provided in this subsection. At least 30 days prior to adopting a plan amendment pursuant to this paragraph, the local government shall notify the state land planning agency of its intent to adopt such an amendment, and the notice shall include its evaluation related to site suitability and availability of

facilities and services. The public notice of the hearing required by s. 163.3184(15)(e), Florida Statutes, shall include a statement that the local government intends to utilize the expedited adoption process authorized by this subsection. Such amendments shall require only a single public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(7), Florida Statutes, and the state land planning agency shall issue its notice of intent pursuant to s. 163.3184(8), Florida Statutes, within 30 days after determining that the amendment package is complete.

(9) The corporation shall award loans with interest rates set at 1 to 3 percent, which may be made forgivable when long-term affordability is provided and when at least 80 percent of the units are set aside for workforce housing and at least 50 percent of the units are set aside for essential services personnel.

(10) All eligible applications shall:

(a) For home ownership, limit the sales price of a detached unit, townhome, or condominium unit to not more than 80 percent of the median sales price for that type of unit in that county, or the statewide median sales price for that type of unit, whichever is higher, and require that all eligible purchasers of home ownership units occupy the homes as their primary residence.

(b) For rental units, restrict rents for all workforce housing serving those with incomes at or below 120 percent of area median income at the appropriate income level using the restricted rents for the federal low-income housing tax credit program and, for workforce housing units serving those with incomes above 120 percent of area median income, restrict rents to those established by the corporation, not to exceed 30 percent of the maximum household income adjusted to unit size.

(c) Demonstrate that the applicant is a public-private partnership.

(d) Have grants, donations of land, or contributions from the public-private partnership or other sources collectively totaling at least 15 percent of the total development cost. Such grants, donations of land, or contributions must be evidenced by a letter of commitment only at the time of application.

(e) Demonstrate how the applicant will use the regulatory incentives and financial strategies outlined in paragraph (7)(a) from the local jurisdiction in which the proposed project is to be located. The corporation may consult with the Department of Community Affairs in evaluating the use of regulatory incentives by applicants.

(f) Demonstrate that the applicant possesses title to or site control of land and evidences availability of required infrastructure.

(g) Demonstrate the applicant's affordable housing development and management experience.

(h) Provide any research or facts available supporting the demand and need for rental or home ownership workforce housing for eligible persons in the market in which the project is proposed.

(11) Projects may include manufactured housing constructed after June 1994 and installed in accordance with mobile home installation standards of the Department of Highway Safety and Motor Vehicles.

(12) The corporation may adopt rules pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to implement the provisions of this section.

(13) The corporation may use a maximum of 2 percent of the annual appropriation for administration and compliance monitoring.

(14) The corporation shall review the success of the Community Workforce Housing Innovation Pilot Program to ascertain whether the projects financed by the program are useful in meeting the housing needs of eligible areas. The corporation shall submit its report and any recommendations regarding the program to the Governor, the Speaker of the House of Representatives, and the President of the Senate not later than 2 months after the end of the corporation's fiscal year.

Section 36. Affordable housing land donation density bonus incentives.--

(1) A local government may provide density bonus incentives pursuant to the provisions of this section to any landowner who voluntarily donates fee simple interest in real property to the local government for the purpose of assisting the local government in providing affordable housing. Donated real property must be determined by the local government to be appropriate for use as affordable housing and must be subject to deed restrictions to ensure that the property will be used for affordable housing.

(2) For purposes of this section, the terms "affordable," "extremely-low-income persons," "low-income persons," "moderate-income persons," and "very-low-income persons," have the same meaning as in s. 420.0004, Florida Statutes.

(3) The density bonus may be applied to any land within the local government's jurisdiction provided that residential use is an allowable use on the receiving land.

(4) The density bonus, identification of receiving land for the bonus, and any other conditions associated with the donation of the land for affordable housing are the subject of review and approval by the local government. The award of density bonus pursuant to this section, the legal description of the land receiving the bonus, and any other conditions associated with the bonus shall be memorialized in a development agreement or other binding agreement and recorded with the clerk of court in the county where the donated land and receiving land are located.

(5) The local government, as part of the approval process, shall adopt a comprehensive plan amendment, pursuant to part II of chapter 163, Florida Statutes, for the receiving land that incorporates the density bonus. Such amendment shall be adopted in the manner as required for small-scale amendments pursuant to s. 163.3187, Florida Statutes, is not subject to the requirements of s. 163.3184(3)-(6), Florida Statutes, and is exempt from the limitation on the frequency of plan amendments as provided in s. 163.3187, Florida Statutes.

(6) The deed restrictions required pursuant to subsection (1) for an affordable housing unit must also prohibit the unit from being sold at a price that exceeds the threshold for housing that is affordable for low-income or moderate-income persons or to a buyer who is not eligible due to his or her income under chapter 420, Florida Statutes. The deed restriction may allow affordable housing units created under subsection (1) to be rented to extremely-low-income, very-low-income, low-income, or moderate-income persons.

(7) The local government may transfer all or a portion of the donated land to a nonprofit housing organization, such as a community land trust, housing authority, or community redevelopment agency, to be used for the production and preservation of permanently affordable housing.

Section 37. The Department of Community Affairs shall establish the Home Retrofit Hardening Program. The program is a competitive grant program to fund improvements to homes constructed before the implementation of the current Florida Building Code when the improvements will directly affect the home's ability to withstand hurricane force winds and improve the home's rating for home insurance. Site-built and mobile homes are eligible for funding under this program. However, priority shall be given to low-income homeowners, as defined in s. 420.0004(10), Florida Statutes, who live in wind-borne debris regions as defined in the Florida Building Code.

(1) The program shall be administered by local governments, regional planning councils, or private nonprofit agencies under the overall direction of the department. When awarding program funds, the department shall be guided by:

(a) The number of homes in need of improvement.

(b) The number of homes located within the wind-borne debris region.

(c) The number of persons who will benefit from the improvements.

(d) The number of extremely-low-income, very-low-income, and low-income households that will benefit from the improvements.

(e) The costs per home to provide improvements.

(2) Funds may be used for the following improvements installed in compliance with Blueprint for Safety standards:

(a) Roof deck attachments.

(b) Secondary water barriers.

(c) Roof coverings.

(d) Brace gable ends.

(e) Reinforcement of roof-to-wall connections.

(f) Opening protection.

(g) Exterior doors.

(3) Each project grant for an individual home retrofit may not exceed $10,000.

(4) Administrative costs shall be kept to a minimum.

(5) Grantees are encouraged to leverage grant funds available under this program with other available funds. Matching funds for a project is not a requirement. However, matching funds from other available sources may be considered by the department in the competitive-review process.

(6) The sum of $50 million is appropriated from the United States Contributions Trust Fund to the Department of Community Affairs in fixed capital outlay for the Home Retrofit Hardening Program. No more than 5 percent of the funds provided under this section may be used by the department for administration of this funding.

Section 38. The Department of Community Affairs shall establish the Disaster Recovery Assistance Program which shall be a grant program to fund repairs and rehabilitation to homes in communities severely impacted by the 2004 and 2005 hurricanes. These funds shall be leveraged with other program funds targeted to the most vulnerable citizens of the state. The sum of $2 million is appropriated in fixed capital outlay from the State Housing Trust Fund in the Department of Community Affairs for the Disaster Recovery Assistance Program. For the purposes of implementing this section, the Florida Housing Finance Corporation is provided nonoperating budget authority to transfer $2 million from the State Housing Trust Fund to the Department of Community Affairs.

Section 39. The Florida Housing Finance Corporation is authorized to provide funds to eligible entities for affordable housing recovery in those areas of the state which sustained housing damage due to hurricanes during 2004 and 2005. The Florida Housing Finance Corporation shall utilize data provided by the Federal Emergency Management Agency to assist in its allocation of funds to local jurisdictions. To administer these programs, the Florida Housing Finance Corporation shall be guided by the "Hurricane Housing Work Group Recommendations to Assist in Florida's Long Term Housing Recovery Efforts" report dated February 16, 2005, and may adopt emergency rules pursuant to s. 120.54, Florida Statutes. The Legislature finds that emergency rules adopted pursuant to this section meet the health, safety, and welfare requirement of s. 120.54(4), Florida Statutes. The Legislature finds that such emergency rulemaking power is necessary for the preservation of the rights and welfare of the people in order to provide additional funds to assist those areas of the state that sustained housing damage due to hurricanes during 2004 and 2005. Therefore, in adopting such emergency rules, the corporation need not make the findings required by s. 120.54(4)(a), Florida Statutes. Emergency rules adopted under this section are exempt from s. 120.54(4)(c), Florida Statutes. The sum of $15 million is appropriated from the Local Government Housing Trust Fund to the Florida Housing Finance Corporation for the Hurricane Housing Recovery Program. The corporation may use a maximum of one-quarter of 1 percent of the $15 million appropriation for the Hurricane Housing Recovery Program for administration, monitoring, and compliance of the provisions of the program. There is appropriated from the State Housing Trust Fund to the Florida Housing Finance Corporation the sum of $25 million for the Farmworker Housing Recovery Program and the Special Housing Assistance and Development Program, the sum of $400,000 for technical and training assistance, and the sum of $176.6 million for the Rental Recovery Loan Program.

Section 40. The sum of $82,904,000 is appropriated from the Florida Small Cities Community Development Block Grant Program Fund to the Department of Community Affairs. These funds shall be used consistent with the Federal Register, Vol. 71, No. 29, February 13, 2006, Docket No. FR-5051-N-01, and the Action Plan for Disaster Recovery approved by the United States Department of Housing and Urban Development to meet the needs of communities impacted by Hurricanes Wilma and Katrina, with a prioritization toward affordable housing in the most impacted areas of the state.

Section 41. The sum of $50 million is appropriated from the Local Government Housing Trust Fund to the Florida Housing Finance Corporation for fiscal year 2006-2007 to implement the Community Workforce Housing Innovation Pilot Program.

Section 42. The sum of $33 million is appropriated from the Local Government Housing Trust Fund to the Florida Housing Finance Corporation for fiscal year 2006-2007 to assist in the production of housing units for extremely-low-income persons as defined in s. 420.0004(8), Florida Statutes.

Section 43. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2006.

======== T I T L E A M E N D M E N T ========

Remove the entire title and insert:

A bill to be entitled

An act relating to affordable housing; creating s. 125.379, F.S.; providing for disposition of county property for affordable housing; amending s. 163.31771, F.S., relating to accessory dwelling units; revising legislative findings and definitions; conforming cross-references; creating s. 163.31772, F.S.; providing legislative findings and intent relating to changes in land use affecting mobile home parks; providing definitions; providing requirements for local governments and community redevelopment agencies regarding specified funding sources to provide financial assistance to certain mobile home owners; providing requirements for mobile home owners to qualify for financial assistance; requiring local governments to permit and approve rezoning of property for the development of new mobile home parks; providing that a local government or redevelopment agency may enter into a development agreement with the owner of a mobile home park to encourage its continued use for affordable housing; providing rulemaking authority; limiting the length of certain development agreements; amending s. 163.3187, F.S.; revising a limitation relating to small scale comprehensive plan amendments involving the construction of affordable housing units; creating s. 166.0451, F.S.; providing for disposition of municipal property for affordable housing; amending s. 189.4155, F.S.; authorizing independent special districts to provide for housing and housing assistance; amending s. 191.006, F.S.; authorizing independent special fire control districts to provide employee housing and housing assistance; creating s. 193.018, F.S.; creating the Manny Diaz Affordable Housing Property Tax Relief Initiative; providing criteria for assessing just valuation of affordable housing properties serving persons of low, moderate, very-low, and extremely-low incomes; amending s. 196.1978, F.S.; specifying what constitutes a nonprofit entity for purposes of affordable housing property tax exemption; conforming cross-references; amending ss. 212.08, 220.183, and 624.5105, F.S.; increasing the amount of available tax credits against the sales tax, corporate income tax, and insurance premium tax, respectively, for projects under the community contribution tax credit program and providing separate annual limitations for certain projects; revising requirements and procedures for the Office of Tourism, Trade, and Economic Development in granting tax credits under the program; including extremely-low-income persons as eligible recipients of assistance; conforming cross-references; amending s. 253.034, F.S.; providing for the disposition of state lands for affordable housing; amending s. 253.0341, F.S.; authorizing local governments to request state lands be declared surplus for the purpose of affordable housing; providing for use of lands that are declared surplus; amending s. 295.16, F.S.; expanding the disabled veteran exemption from certain license and permit fees relating to dwelling improvements; amending s. 376.30781, F.S; providing tax credits for eligible applicants; amending s. 380.06, F.S.; providing a greater substantial deviation threshold for the provision of affordable housing in a development of regional impact; conforming cross-references; amending s. 380.0651, F.S.; providing a statewide guidelines and standards bonus for the provision of workforce housing; amending s. 420.0004, F.S.; defining the term "extremely-low-income persons"; conforming cross-references; amending s. 420.37, F.S., relating to additional powers of the Florida Housing Finance Corporation; providing for additional powers of the Florida Department of Community Affairs; amending s. 420.503, F.S.; revising the definition of the term "farmworker" under the Florida Housing Finance Corporation Act; providing rulemaking authority; amending s. 420.5061, F.S.; conforming a cross-reference; amending s. 420.507, F.S.; revising and expanding the powers of the Florida Housing Finance Corporation relating to mortgage loan interest rates, loans, loan relief, uses of loan funds, subsidiary business entities, and data reporting; providing rulemaking authority; amending s. 420.5087, F.S.; increasing the population criteria for the State Apartment Incentive Loan Program; revising criteria for loans; conforming cross-references; amending s. 420.5088, F.S.; expanding the scope of the Florida Homeownership

Assistance Program; revising loan requirements; deleting a provision reserving program funds for certain borrowers; repealing s. 420.530, F.S., relating to the State Farm Worker Housing Pilot Loan Program; amending s. 420.9071, F.S.; conforming a cross-reference; amending s. 420.9072, F.S.; conforming cross-references; amending s. 420.9075, F.S.; requiring local housing assistance plans to define essential service personnel for the county or eligible municipality and to contain a strategy for the recruitment and retention of such personnel; providing for provision of funds for homeownership for extremely-low-income, very-low-income, or low-income persons; amending s. 420.9076, F.S.; conforming a cross-reference; amending s. 420.9079, F.S.; revising the maximum appropriation the Florida Housing Finance Corporation may request each state fiscal year; conforming a cross-reference; amending s. 1001.43, F.S.; authorizing district school boards to provide affordable housing for teachers and other district personnel; amending s. 723.0612, F.S.; requiring local governments to allow the owner of a mobile home or a recreational vehicle park to change the use of park land to a single-family residential or multi-family land use under certain conditions; amending s. 1013.64, F.S.; prohibiting the use of PECO funds for the construction of affordable housing; authorizing school districts to use local and other funds to fund the construction of affordable housing; creating the Community Workforce Housing Innovation Pilot Program; provides legislative findings; providing definitions; providing the Florida Housing Finance Corporation with certain powers and responsibilities relating to the program; requiring the program to target certain entities; providing application requirements; providing incentives for program applicants; providing rulemaking authority; requires a report to the Governor and Legislature; authorizing local governments to provide density bonus incentives to landowners who donate fee simple interest in real property to the local government for the purpose of assisting the local government in providing affordable housing; providing definitions and requirements governing such donations and density bonuses; requiring the Department of Community Affairs to establish a Home Retrofit Hardening Program and establishing requirements for the program; requiring the Department of Community Affairs to establish a Disaster Recovery Assistance Program and establishing requirements for the program; authorizing the Florida Housing Finance Corporation to provide funds to eligible entities for affordable housing recovery in areas of the state sustaining hurricane damage due to hurricanes during 2004 and 2005; providing legislative findings and emergency rulemaking authority; providing appropriations; providing effective dates.

Rep. M. Davis moved the adoption of the amendment.

On motion by Rep. M. Davis, by the required two-thirds vote, the House agreed to consider the following late-filed amendment to the amendment.

Representative M. Davis offered the following:

(Amendment Bar Code: 972387)

Amendment 1 to Amendment 1 (with title amendment)—Remove line 140 and insert:

(6) A local government may take action to permit and

======== T I T L E A M E N D M E N T ========

Remove line(s) 2544 and insert:
owners to qualify for financial assistance; authorizing

Rep. M. Davis moved the adoption of the amendment to the amendment, which was adopted.

On motion by Rep. M. Davis, by the required two-thirds vote, the House agreed to consider the following late-filed amendment to the amendment.

Representative(s) M. Davis offered the following:

(Amendment Bar Code: 197895)

Amendment 2 to Amendment 1—Remove line(s) 413 and insert:
profit or for a nonexempt purpose, except for those required by Section 42 of the Internal Revenue Code for the development or syndication of the property.
The Legislature intends that

Rep. M. Davis moved the adoption of the amendment to the amendment, which was adopted.

Representative Ryan offered the following:

(Amendment Bar Code: 313897)

Amendment 3 to Amendment 1 (with title amendment)—Between lines 417 and 418, insert:

Section 10. Effective July 1, 2007, subsections (9) and (10) of section 201.15, Florida Statutes, as amended by chapter 2005-92, Laws of Florida, are amended to read:

201.15 Distribution of taxes collected.--All taxes collected under this chapter shall be distributed as follows and shall be subject to the service charge imposed in s. 215.20(1), except that such service charge shall not be levied against any portion of taxes pledged to debt service on bonds to the extent that the amount of the service charge is required to pay any amounts relating to the bonds:

(9) ~~The lesser of~~ Seven and fifty-three hundredths percent of the remaining taxes collected under this chapter ~~or $107 million in each fiscal year~~ shall be paid into the State Treasury to the credit of the State Housing Trust Fund and shall be used as follows:

(a) Half of that amount shall be used for the purposes for which the State Housing Trust Fund was created and exists by law.

(b) Half of that amount shall be paid into the State Treasury to the credit of the Local Government Housing Trust Fund and shall be used for the purposes for which the Local Government Housing Trust Fund was created and exists by law.

(10) ~~The lesser of~~ Eight and sixty-six hundredths percent of the remaining taxes collected under this chapter ~~or $136 million in each fiscal year~~ shall be paid into the State Treasury to the credit of the State Housing Trust Fund and shall be used as follows:

(a) Twelve and one-half percent of that amount shall be deposited into the State Housing Trust Fund and be expended by the Department of Community Affairs and by the Florida Housing Finance Corporation for the purposes for which the State Housing Trust Fund was created and exists by law.

(b) Eighty-seven and one-half percent of that amount shall be distributed to the Local Government Housing Trust Fund and shall be used for the purposes for which the Local Government Housing Trust Fund was created and exists by law. Funds from this category may also be used to provide for state and local services to assist the homeless.

======== T I T L E A M E N D M E N T ========

Remove line 2568 and insert:
exemption; conforming cross-references; amending s. 201.15, F.S.; revising the distributions of portions of the excise tax on documents to the State Housing Trust Fund and the Local Government Housing Trust Fund for purposes of preserving the rights of holders of affordable housing guarantees; amending ss.

Rep. Ryan moved the adoption of the amendment to the amendment. Subsequently, **Amendment 3 to Amendment 1** was withdrawn.

On motion by Rep. Goodlette, by the required two-thirds vote, the House agreed to consider the following late-filed amendment to the amendment.

Representative Goodlette offered the following:

(Amendment Bar Code: 637437)

Amendment 4 to Amendment 1 (with title amendment)—Remove lines 418-865

======== T I T L E A M E N D M E N T ========
Remove lines 2568-2578 and insert:
exemption; conforming cross-references; amending s.

Rep. Goodlette moved the adoption of the amendment to the amendment, which was adopted.

Rep. Taylor moved that a late-filed amendment to the amendment be allowed for consideration, which was not agreed to by the required two-thirds vote.

On motion by Rep. M. Davis, by the required two-thirds vote, the House agreed to consider the following late-filed amendment to the amendment.

Representative M. Davis offered the following:

(Amendment Bar Code: 010191)

Amendment 5 to Amendment 1 (with directory and title amendments)—Remove lines 1994-1998.

==== D I R E C T O R Y A M E N D M E N T ====
Remove lines 1965-1966 and insert:
Section 28. Paragraph (c) of present subsection (4) of section 420.9075, Florida Statutes, is amended,

======== T I T L E A M E N D M E N T ========
Remove lines 2621-2623 and insert:
and retention of such personnel; amending s. 420.9076,

Rep. M. Davis moved the adoption of the amendment to the amendment, which was adopted.

On motion by Rep. Goodlette, by the required two-thirds vote, the House agreed to consider the following late-filed amendment to the amendment.

Representative Goodlette offered the following:

(Amendment Bar Code: 970291)

Amendment 6 to Amendment 1—Remove lines 2047-2149

Rep. Goodlette moved the adoption of the amendment to the amendment, which was adopted.

On motion by Rep. Pickens, by the required two-thirds vote, the House agreed to consider the following late-filed amendment to the amendment. The vote was:

Session Vote Sequence: 912

Speaker Bense in the Chair.

Yeas—83

Adams	Brummer	Gibson, H.	Littlefield
Allen	Cannon	Glorioso	Llorente
Altman	Carroll	Goldstein	Lopez-Cantera
Ambler	Clarke	Goodlette	Mahon
Anderson	Coley	Grant	Mayfield
Arza	Cretul	Grimsley	McInvale
Attkisson	Culp	Harrell	Mealor
Barreiro	Davis, D.	Hasner	Murzin
Baxley	Davis, M.	Hays	Needelman
Bean	Detert	Homan	Negron
Bense	Domino	Hukill	Patterson
Benson	Evers	Jennings	Pickens
Berfield	Farkas	Jordan	Planas
Bilirakis	Flores	Kottkamp	Poppell
Bogdanoff	Galvano	Kreegel	Proctor
Bowen	Garcia	Kyle	Quinones
Brown	Gardiner	Legg	Reagan
Rice	Rubio	Stansel	Waters
Rivera	Russell	Stargel	Williams
Robaina	Sansom	Traviesa	Zapata
Ross	Simmons	Troutman	

Nays—36

Antone	Fields	Joyner	Ryan
Ausley	Gannon	Justice	Sands
Bendross-Mindingall	Gelber	Kendrick	Seiler
Brandenburg	Gibson, A.	Machek	Slosberg
Brutus	Gottlieb	Meadows	Smith
Bucher	Greenstein	Peterman	Sobel
Bullard	Henriquez	Porth	Sorensen
Cusack	Holloway	Richardson	Taylor
Dean	Johnson	Roberson	Vana

Representative(s) Pickens offered the following:

(Amendment Bar Code: 476249)

Amendment 7 to Amendment 1 (with title amendment)—Remove line(s) 2172-2191

(12) AFFORDABLE HOUSING.--A district school board that certifies to the commissioner that all of the district's instructional space needs for the next 5 years can be met from capital outlay sources that the district reasonably expects to receive during the next 5 years may provide affordable housing for teachers and other district personnel independently or in conjunction with other agencies as described in subsection (5). State funds and funds received pursuant to ss. 1011.62 and 1011.71 shall not be used to provide affordable housing for teachers or other district personnel.

======== T I T L E A M E N D M E N T ========
Remove line(s) 2634-2638 and insert:
under certain conditions; creating the Community Workforce

Rep. Pickens moved the adoption of the amendment to the amendment. Subsequently, **Amendment 7 to Amendment 1** was withdrawn.

On motion by Rep. M. Davis, by the required two-thirds vote, the House agreed to consider the following late-filed amendment to the amendment.

Representative M. Davis offered the following:

(Amendment Bar Code: 265599)

Amendment 8 to Amendment 1—Remove lines 2343-2353 and insert:

(11) When ownership of the land or property utilized for development in conjunction with the Community Workforce Housing Innovation Pilot Program grant is to be held by any public sector entity, as described in this section, the applicant may choose to use a nonprofit or public entity to manage the resulting housing program and must demonstrate that such management entity:

(a) Has experience and is proficient in the management of affordable housing programs.

(b) Has regularly conducted independent audits.

(12) Projects may include manufactured housing constructed after June 1994 and installed in accordance with mobile home installation standards of the Department of Highway Safety and Motor Vehicles.

(13) The corporation may adopt rules pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to implement the provisions of this section.

(14) The corporation may use a maximum of 2 percent of the annual appropriation for administration and compliance monitoring.

(15) The corporation shall review the success of the

======== T I T L E A M E N D M E N T ========
Remove line 2644 and insert:
requirements; authorizing an applicant to use a nonprofit or public entity to manage its housing program; providing incentives for program applicants;

Rep. M. Davis moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

Motion

On motion by Rep. Goodlette, the House agreed to take up **HJR 353** for consideration.

HJR 353—A joint resolution proposing an amendment to Section 6 of Article VII and the creation of Section 26 of Article XII of the State Constitution to increase the maximum additional homestead exemption for low-income seniors from $25,000 to $50,000 and to schedule the amendment to take effect January 1, 2007, if adopted.

—was taken up, having been read the second time earlier today; now pending on motion by Rep. Domino to adopt **Amendment 1**.

Point of Order

Rep. Brummer raised a point of order, under Rule 12.8, that the amendment was not germane.

Rep. Goodlette, Chair of the Rules & Calendar Council, in speaking to the point of order on Amendment 1 to HJR 353, stated that there was a House precedent indicating that an amendment drafted to the same section of a constitutional article but dealing with subject matter of a different section was improperly drawn.

Rep. Goodlette cited the ruling of Speaker Moffitt on the recommendation of Rules Chair James Harold Thompson (shown in the *1983 Journal of the Florida House of Representatives* on pages 86-87, April 7), wherein an amendment to Article V, Section 8 of the State Constitution that required the election of judges was not germane to a joint resolution that proposed to amend that same section of the Constitution to require county judges to have been admitted to The Florida Bar for a period of five years. Based upon this precedent, Rep. Goodlette recommended the point be well taken.

The Chair [Speaker Bense], upon the recommendation of Rep. Goodlette, Chair of the Rules & Calendar Council, ruled the point well taken and the amendment out of order.

Under Rule 10.10(b), the joint resolution was referred to the Engrossing Clerk.

Motion to Adjourn

Rep. Rubio moved that the House adjourn for the purpose of receiving reports, holding council and committee meetings, and conducting other House business, to reconvene at 9:00 a.m., Thursday, April 27, or upon call of the Chair. The motion was agreed to.

Messages from the Senate

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 299.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 573.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 871.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 919.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

Votes After Roll Call

[Date(s) of Vote(s) and Sequence Number(s)]

Rep. Bendross-Mindingall:

Yeas to Nays—April 24: 834

Rep. Cusack:

Yeas to Nays—April 24: 834

Rep. Gannon:

Yeas to Nays—April 24: 834; April 25: 874

Rep. Greenstein:

Yeas—April 25: 848, 875

Rep. Meadows:

Yeas to Nays—April 25: 864

Rep. Roberson:

Yeas to Nays—April 25: 861

Rep. Rubio:

Yeas—April 25: 836, 837, 838, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 858, 859

Yeas to Nays—April 25: 839

Nays to Yeas—April 25: 839

Rep. Sansom:

Nays to Yeas—April 5: 702

Rep. Sorensen:

Yeas—April 25: 864, 865, 866, 867, 869, 870, 871, 872, 873, 874, 875, 876

Cosponsors

HB 11—Homan

HB 19—Homan

HB 21—Flores, Henriquez, Planas, Robaina, Zapata

HB 23—Homan

HB 69—Fields, Kottkamp, Stargel

HB 93—Homan

HB 133—Homan

HB 135—Legg

HB 199—Homan

HB 217—Homan

HB 221—Brutus

HB 255—Quinones

HB 293—Holloway

HJR 353—Flores, H. Gibson, Rivera, Slosberg

HB 439—Quinones

HJR 447—Cannon

HB 531—Cusack

HB 535—Bucher, Legg, Porth

HM 541—Homan

HB 645—Harrell

HB 667—Williams

HB 683—Homan

HB 743—Fields

HB 765—Fields

HB 795—Clarke

HB 903—Homan

HB 911—Harrell

HB 1015—Mayfield, Williams

HB 1029—Traviesa

HB 1097—Seiler

HB 1107—Bullard

HB 1143—Stargel

HB 1149—Fields, Homan

HB 1169—Harrell, Homan, Llorente, Robaina, Sansom, Slosberg, Taylor

HB 1171—Allen, Attkisson, Bogdanoff, Cannon, Clarke, Cretul, D. Davis, Flores, Harrell, Hasner, Hays, Kreegel, Llorente, Murzin, Stargel, Troutman, Waters, Williams

HB 1185—Hays

HB 1199—Ambler, Ross

HB 1231—Holloway

HB 1233—Holloway

HB 1237—Carroll, Hukill

HB 1293—Homan

HB 1321—A. Gibson, Goldstein, Hasner

HB 1347—Clarke, Mayfield

HB 1359—Harrell

HB 1363—Brandenburg, Brutus, Joyner

HB 1409—Homan

HB 1449—Homan

HB 1467—Carroll, Goldstein

HB 1503—Goldstein

HB 1557—Hays

HB 1561—Homan

HB 7139—Homan

HB 7171—Cannon

HB 7213—Carroll

Introduction and Reference

By Representative Bendross-Mindingall—

HR 9117—A resolution honoring the dedication and contributions of Congresswoman Carrie P. Meek.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Galvano—

HR 9119—A resolution recognizing April 16-22, 2006, as "Shaken Baby Syndrome Awareness Week" in Florida.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Cretul—

HR 9121—A resolution designating April 27, 2006, as "Florida 4-H Day" at the Capitol.

First reading by publication (Art. III, s. 7, Florida Constitution).

House Resolutions Adopted by Publication

At the request of Rep. Domino—

HR 9061—A resolution honoring Jack Nicklaus.

WHEREAS, Jack Nicklaus, as a 10-year-old, carded 51 in the first nine holes he ever played, winning the Scioto Club Juvenile Trophy to start an amateur record that would include numerous Ohio state championships; the U.S. National Jaycees Championship, his first national title, when he was 17; a year later, the Trans-Mississippi Championship; and at 19 and again at 21, in his last year as an amateur, the U.S. Amateur Championship, and

WHEREAS, born January 21, 1940, in Columbus, Ohio, Jack Nicklaus in 1962 launched his 41-year professional career, during which he would amass a total of 113 victories around the world; rank number 1 in lowest-scoring average eight times; win top money eight times, for official tour earnings of $5,723,192; claim the most major championship titles, comprised of 18 PGA tour, 8 Senior tour, and 2 Amateur titles; and shoot 20 holes in one, and

WHEREAS, Jack Nicklaus was awarded nine Greatest Golfer/Athlete awards and two Golfer of the Century awards and was named PGA Player of the Year five times, Athlete of the Decade for the 1970's, and Golf Course Architect of the Year in 1993, and

WHEREAS, Jack Nicklaus distinguished himself in numerous other golf competitions, including the British and Australian Opens, the World Series of Golf, the World Cup Invitational, and the Piccadilly World Cup Match Play and as a member of six United States Ryder Cup teams that played Britain for five wins and one tie, and

WHEREAS, known for their involvement in charitable causes, Palm Beach County residents Jack and Barbara Nicklaus, with their family, founded the Nicklaus Children's Health Care Foundation, which, in addition to its support of various activities related to childhood diseases and disorders, also funds the Nicklaus Children's Hospital at St. Mary's Medical Center, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives pauses in its deliberations to honor Jack Nicklaus, one of golf's truly great champions.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Jack Nicklaus as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 10.16.

Reports of Councils and Standing Committees

Received April 25:

The Health & Families Council reported the following favorably:
HB 619 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Commerce Council reported the following favorably:
HB 7225 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Commerce Council reported the following favorably:
HB 7227

The above bill was placed on the Calendar of the House.

Received April 26:

The Health & Families Council reported the following favorably:
HB 577 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Justice Council reported the following favorably:
HB 591 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Health & Families Council reported the following favorably:
HB 685 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Justice Council reported the following favorably:
HB 1239 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Health & Families Council reported the following favorably:
HB 1623 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The State Infrastructure Council reported the following favorably:
HB 7079 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Health & Families Council reported the following favorably:
HB 7173 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Health & Families Council reported the following favorably:
HB 7215 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

Communications

The Governor advised that he had filed in the Office of the Secretary of State the following bills which he approved:

April 26, 2006—HB 145

Excused

The following Conference Committee Managers were excused from time to time:

HB 5001 and related legislation (HB 5003, HB 5005, HB 5007, HB 5009, HB 5011, HB 5013, HB 5017, HB 5019, HB 5021, HB 5023, CS for SB 390, CS for SB 394, CS for SB 398, CS for SB 818, CS for SB 840, CS for SB 844, CS for SB 846, CS for SB 848): At Large—Rep. Negron (Chair), Rep. Mahon (Vice Chair), and Reps. Gardiner, Waters, Goodlette, Rubio, Bowen, Brummer, Simmons, Greenstein, Jennings, Seiler, Ryan, Sansom, and Zapata; Agriculture & Environment—Rep. Mayfield (Chair), and Reps. Brown, Littlefield, Hays, Poppell, Machek, Stansel, Kendrick (Alternate), Williams, Evers, and Allen; Education—Rep. Pickens (Chair), and Reps. Rivera, Attkisson, Baxley, Flores, Altman, Arza, Stargel, Vana, Bendross-Mindingall, Richardson, Justice (Alternate), Patterson, Coley, and Mealor; Health Care—Rep. Bean (Chair), and Reps. Benson, Cannon, Farkas, Galvano, Garcia, Murzin, Gannon, Sobel, Grimsley (Alternate), Roberson (Alternate), Grant, and Hukill; Criminal Justice—Rep. Barreiro (Chair), and Reps. Adams, Ambler, Needelman, Joyner, and Porth; Judiciary—Rep.

Kottkamp (Chair), and Reps. Ross (Alternate), Planas, Gelber, and Quinones; State Administration—Rep. Berfield (Chair), and Reps. Carroll, Kreegel, Reagan, Lopez-Cantera (Alternate), A. Gibson (Alternate), Taylor, and Holloway; Transportation & Economic Development—Rep. D. Davis (Chair), and Reps. M. Davis, Kravitz, Llorente, Traviesa, Ausley, Cusack, McInvale (Alternate), and Bogdanoff.

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 5:22 p.m., to reconvene at 9:00 a.m., Thursday, April 27, or upon call of the Chair.